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The Week

THE developments of Monday and Tuesday in the Sacco-Vanzetti case went further than anything else in the entire history of the case to support the contention of the defense that the system of justice of Massachusetts has broken down in regard to these two men. A motion for a new trial was made in the Superior Court; and Chief Justice W. P. Hall, in accordance, as he said, "with precedent, practice, and sound reason," assigned Judge Webster Thayer to pass upon the motion. The most important aspect of the case is, of course, the question whether Judge Thayer had previously exhibited prejudice and whether this prejudice had affected the course of justice. Not only did he preside at the trial, but he has seven times subsequently refused other motions for a new trial. Under the circumstances, for Justice Hall to insist that he should be the one to pass upon the question of his own prejudice—prejudice admitted even by the Governor's advisory committee to have existed before the trial was ended—constitutes a monstrous travesty on justice. It gives the strongest support yet offered of the theory that what has been seen is not justice but judicial murder.

WHAT can be said of the action of Judge Thayer in accepting this appointment? He knew that the whole world suspected him of prejudice. He knew that the question of his prejudice was the chief point at issue. He must have known, if he is capable of thought at all, that no man is competent to pass upon the question of his own prejudice. He knows that, throughout the Anglo-Saxon world, the traditions of the legal profession require a judge to step aside and let someone else pass upon such a delicate point. He ought to have known that, under the broadest and most lenient interpretation, the standards of honor of a gentleman made this imperative. He knew that news of such action would ring around the world as at least one decent and fair-minded act in the whole dark tragedy. Yet he insisted on sitting. Once again he assumed the robes of justice, and once again condemned to death these men who have never yet had a fair trial. What stronger evidence could be asked of the existence of prejudice on his part?

NOW that the Geneva conferees have failed to agree on any limitation of cruisers, what will happen if each nation takes seriously its experts' inflexible position as to its "necessities"? The United States will proceed to lay down 10,000-ton cruisers, costing over $10,000,000 apiece. How many? In view of the expected competition, Great Britain will not abandon any of the fourteen which she now has built, building or authorized, or the four more, technically rated at slightly below this figure. We now have two such cruisers. Parity will, therefore, demand sixteen additional ones, or more, if Britain's program is enlarged. There goes at least $160,000,000 of the American taxpayers' money for construction alone, in the 10,000-cruiser competition. And also a large amount of Britain's money. We shall, moreover, have to build twenty or more of the lighter cruisers, if we are to equal Britain's status in this respect. But Britain, in that case, is likely to raise the bid on light cruisers. This

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does not account for new and more powerful types of naval warships vaguely spoken of by the experts at the conference. Admiral Jones calls for a building program of ten new vessels a year for five years. Although the delegates said it was impossible to agree on limitation because the demands of their respective opponents were too large, the total of each navy is likely to be much larger than any maximum limitation suggested by either side at the conference. What the naval conferees have really put over on both peoples, unless those peoples take the wheel in their own hands, is a friendly agreement to build enormous and virtually unlimited navies.

AS the politicans reluctantly decide that President Coolidge means what he says and will not run next year, candidates suddenly begin to appear on every hand. It is generally understood that Mr. Hoover is the President's own choice, and a formidable organization is already hard at work on behalf of the Californian. Unluckily for Mr. Hoover, however, he is painfully unpopular with the politicians who dislike and distrust him on the excellent ground that in making appointments to office he might be influenced more by merit than by proper distribution of patronage. While Mr. Coolidge's endorsement is not without its value, the withdrawal of the President from the race has already, and enormously, deflated his influence. Of the other candidates for the nomination, Speaker Longworth seems to be making little headway; Mr. Lowden has only the discontent of the Middle-Western farmers behind him, a force which is not of much value to a candidate seeking to obtain the regular Republican nomination, and one which is, moreover, likely to evaporate rapidly with even a single season of good prices for agricultural products. Mr. Hughes has said he would not be a candidate; he is sixty-five years of age, and would be seventy-one on leaving office. A far more serious contender, undoubtedly, is General Dawes.

THE most important fact about any candidate for the Republican nomination in 1928 is the attitude of the leading bankers toward him; and Mr. Dawes is the strongest of all in this regard. American finance is at present divided into two camps; there is the high-tariff, manufacturing interest, largely centered in New England, whose views Mr. Coolidge usually reflects; and there is the international banking group, concerned about payments of foreign loans and, therefore, less parochial-minded. Mr. Coolidge has had some of the support of this latter element, largely through the personal admiration and friendship of Mr. Dwight Morrow of J. P. Morgan and Company; but logically he belongs in the other camp. General Dawes, however, as the supposed part-author of the Dawes Plan, as a member of the coterie of Chicago's leading bankers, and as a man with oil interests, makes a strong appeal to such persons as Mr. Mellon (who, while he benefits from the tariff, has other vast interests which are unaffected by it). The New Republic believes Mr. Dawes to be the most undesirable of all these candidates; but a realistic view of the situation compels the belief that he is an exceedingly strong contender.

IF the du Ponts, who control General Motors through a concentrated minority stock ownership, achieve control of United States Steel through stock purchases, there will be signalized the marriage of two of the most profitable corporations of the United States, each dominant in at least one major industry. The parent corporation, E. I. du Pont de Nemours Company, is, in turn, dominant in a third industrial group. General Motors in 1926 had gross revenues of $1,000,000,000 and net profits of $180,000,000, while the U. S. Steel had gross revenues of $928,000,000 and net profits of $117,000,000. The domain ruled by these potentates of industry will include not only hundreds of mills and factories, but subsidiary mines, railroads, steamship lines and other properties, spattered all over the map of the United States, and even in many foreign countries. Literally hundreds of thousands of employees will be governed by them—for the most part under an unqualifiedly autocratic system of industrial administration. It is doubtful whether the Federal Trade Commission can find anything illegal in this development, unless it is carried further. The law does not forbid any conceivable concentration of stock ownership, so long as the separate concerns owned are not technically monopolistic, and do not engage in "unfair" trade practices. If United States Steel should give rebates to General Motors on steel purchased, that would be another matter. But the anti-trust laws in their present form would not prevent one man from owning the entire United States. They do not touch many of the grave problems associated with the rapidly increasing concentration of industrial power.

IT was a foregone conclusion, after the conference of the central banking heads of New York, London, Berlin, and Paris, that either the New York rediscount rate would be lowered or the London rate would be raised. This was necessary to discourage the flow of gold from London to New York, since we have too much gold and England has too little. The decision to lower the rate here rather than to raise it abroad is somewhat embarrassing to the United States, but probably will prove less harmful to us than an increase in London would have proved to Britain. New York had hesitated to lower its rate because of the inflated values on the stock market and the large total of brokers' loans. It did not want to encourage further speculation for a rise. But the effect of changes in bank rates on specula-

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tion is largely psychological, anyway, and the well known hesitation of the banking authorities, coupled with a dubious business outlook, widespread comment on the threatening total of brokers' loans, and the political uncertainty caused by Mr. Coolidge's withdrawal, furnish a psychological counter-check. Moreover, the loanable funds are so far in excess of the demand in industry generally that the market rates were sinking anyway. London, in turn, will profit from whatever encouragement may be furnished to her lagging business by an unchanged rate. Possibly an increase in both quarters may be made in the autumn, when the heaviest demand falls on our funds, for moving crops.

THE closing days of the career of General Leonard Wood were out of harmony with the fine achievements of his early manhood. The scandal regarding the financing of his boom in 1920, which put an end to his presidential aspirations, was followed by the disappointing episode of his work in the Philippines. He came to be so completely at loggerheads with the natives that the Philippine legislature refused to pass needed legislation, merely because he approved it, and the administration almost ceased to function. Regardless of the merits of any individual controversy, no one exercising authority such as that of the Governor General of the Philippines can afford to allow matters to get into such a position. It has been for some time an open political secret that President Coolidge was embarrassed by General Wood's actions, and wished to replace him by the author of the recent special report on the Philippines, Colonel Carmi Thompson of Ohio. General Wood, despite the series of accidents he had suffered, which had combined with his years in the tropics to break down his health, was reluctant to be relieved of his post. The President, of course, has asserted that his death will bring no changes in the administration of the Philippines. But it is as sure as anything can be that extensive changes will be made, and that they will go far in the direction of conciliation of the Filipinos—short, of course, of granting them the independence they desire, which the present administration does not propose to give.

IT is well that labor interests are to have a high-powered radio station of their own. The Debs Memorial Radio, station WDEBS, will operate on a 1,220 kilocycle and a 245.8 call length. It will attempt to present an impartial vehicle for all shades of labor and liberal opinion, and will prevent any threatened monopoly of the air by interests not sympathetic with labor. It was particularly important that this should be accomplished, since broadcasting waves are limited in number and a real monopoly for one shade of opinion was possible, in a sense in which it is not possible with the press or with public meetings. A genuine problem remains, however, similar to the problem of the labor press. It is easy to print a labor paper, but difficult to get an adequate circulation for it, on account of the richer means of other journals for interesting the public. The competition of the non-labor press is a more serious obstacle for the labor paper than actual censorship. Likewise, it is easy to operate a broadcasting station; but to attract the tuners-in may be difficult. The managers are fully aware of this problem, and expect to be able to present so varied and attractive a program that it can find an audience for what it wants to say.

TWO New York theater-ticket brokers have been sentenced to six months in jail for falsifying their tax returns; twenty-three others have been indicted, have confessed their guilt and thrown themselves on the mercy of the Federal Attorney. As many more are still in process of investigation to learn whether they have also been guilty of the extortionate charges and concealed profits which, it has been shown, were habitual with most of those already scrutinized. As a result of all this, we are assured, gouging has been done away with. Good seats are now to be available at not more than the conventional fifty cents advance. Moreover, the quality of the drama will be improved. Producers will no longer be able to force the agencies to buy seats for their bad shows in order to get an allotment for the good ones; and since the bad ones are thus deprived of support, the producers will take more pains to see that there are none.

THE short answer to these optimistic views is, "Poppycock!" It may be that the agencies can be forced to divide their excessive profits with the government, fifty-fifty, as required by the income tax law; but the theory that these profits will be limited to fifty cents a ticket is absurd. Such limitation was difficult to enforce even before the New York state law to that effect was unwisely declared unconstitutional by the United States Supreme Court. As long as ten people want to visit a success for every one who is willing to attend a failure, that difference in demand, by some hook or crook, will probably be reflected in the prices of tickets. As for the idea that producers put on inferior shows and force the agencies to support them, it seems to us as naïve as the doctrine that cheap and popular novelists could write like Conrad if they chose, and only prostitute their art because there's money in it. If there is profit in producing a dull play, there is far more profit in producing a success. We believe that, like nearly all novelists and other artists, nearly all playwrights and managers do about as good work as they are capable of. If the result is mediocre, it is because those responsible for it are mediocre; and improvement will come only when our civilization is such as to demand a better quality of artistic endeavor.

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The Sacco-Vanzetti Decision

THE result of Governor Fuller's inquiry in the Sacco-Vanzetti case bears out the worst fears of the defense, and of the vast number of men and women the world over who believe that the defendants have not been proved guilty of the crimes laid to their charge. These fears were based upon the limitations imposed on the inquiry by the personalities involved and the methods employed. The Governor asked the assistance of three gentlemen, well known in Boston, to conduct an independent review of the case and to decide whether, in their opinion, the trial was fairly conducted; whether the evidence subsequently discovered was such as to justify a new trial; whether they are convinced beyond reasonable doubt that Sacco and Vanzetti are guilty of murder. On all three points the Committee reported unanimously against the accused and in agreement with the Governor's own decision. Nevertheless, the unanimous opinion of these four men will not convince the world at large, much less those familiar with the case, that it is right and just to electrocute Sacco and Vanzetti without the retrial so earnestly sought by them.

Sacco and Vanzetti may have been put to death by the time this comment appears. At this writing, we can only express the fervent hope that an effort to bring the case up before the Supreme Court of the United States, under the "due process" clause of the Fourteenth Amendment, will be successful. This clause is constantly and successfully employed in cases involving property. Twice it has been invoked in capital cases—once unsuccessfully in the case of Leo Frank in Georgia, once successfully in the case of Negroes tried and convicted in Arkansas.

Although the case for the appeal must be argued strictly on the inadequacy and injustice of the legal proceedings, we submit that the reports of Governor Fuller and his Committee constitute a powerful argument in favor of the intervention of the Supreme Court.

The appointment of a committee to conduct an investigation had been recommended by friends of the defense, when it appeared that the judicial system of Massachusetts offered no opportunity for a new trial except by permission of the original judge. Inasmuch as the issue of class conflict had been injected into the trial, it was peculiarly unfortunate that all members of the Committee should be drawn from the class to which Sacco and Vanzetti were opposed, and of which many representatives had displayed violent prejudice against them. One of the three committeemen, Judge Grant, had given strong expression to his belief in the guilt of the accused, but explained it away when challenged as to the propriety of his sitting in the case. Most ominous of all was the fact that none of them was accustomed to the routine of judicial procedure, to dealing with evidence and winnowing truth from falsehood. Judge Grant had, indeed, the judicial title, but scarcely the judicial mind, and his experience had been limited to the probate bench. President Lowell had received a lawyer's education, but his legal reputation rests upon a work on the law of stock transfers. The procedure set up by these gentlemen was anomalous. It amounted, in fact, to a retrial of the case in secret. The attorneys for the defense were present during the hearing of much of the testimony and permitted to cross-examine; but they were excluded during the appearance of the Chief Justice of the Superior Court, Perley Hall, the trial judge, Webster Thayer, and at one session with Mr. Katzmann, the prosecuting attorney. Inasmuch as the inquiry was particularly directed to the question of the fairness of the trial it was an extraordinary proceeding to oblige the defense to argue the point without knowing what the testimony of the most important witness had been A trial behind closed doors is repugnant to the common sense of fairness and justice. However nobly disinterested the judges may be, they cannot be trusted to work in darkness.

The report of the Committee to the Governor is convincing in its evidence of the unfitness of its members for their task and the ineptitude of their procedure. It is not too much to say that it reads like a persistent if maladroit attempt to defend the Massachusetts courts, now fully on trial.

A. The Committee labors at length over the cross-examination of Sacco by Katzmann on the subject of his radical views, concluding, because there was a technical excuse for this cross-examination that the matter had no improper influence on the jury

B. In the face of the original reason for the arrest of Sacco and Vanzetti in the course of the round-up of radicals by Department of Justice men (See the article, "Was Governor Fuller Fair?" on page 332 of this issue), and the affidavits of four of them, the Committee declines to go to the records of the Department, on the ground that none of the affidavits "states or implies that there is anything in those files which would help to show that the defendants are not guilty." The point which the affidavits make is that there was a concerted effort between national and local police to find them guilty.

C. In regard to the motion for a new trial, the Committee throws aside the affidavit of Gould to the effect that Sacco was not present at the Braintree crime. Gould stood so near the shooting that a bullet passed through his coat. His testimony was known to the prosecution but not to the defense at the time of the trial. The Committee thinks that his evidence is "merely cumulative," and is balanced by that of Mrs. Hewins (who states that Sacco was driving the bandit car when it passed her house), and Mrs. Tattoni, who states that she saw him somewhere in South Braintree on the day of the crime. The Committee scrupulously records that Mrs. Tattoni is eccentric and not unimpeachable in conduct, but believes that "her testimony is well worth consideration."

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D. The affidavit of Captain Proctor to the effect that his testimony at the trial, in regard to the bullet found in Berardelli's body and the pistol taken from Sacco, was the result of a question arranged with Katzmann to which he could answer: "My opinion is that it is consistent with being fired by that pistol," is, in the judgment of the Committee, negatived by the statement of the prosecuting attorneys, who deny that they made any effort to force his testimony. Also, the Committee remarks slyly that between the trial and the time of Proctor's affidavit, Mr. Katzmann had refused to approve Proctor's fee of $500 as expert. Affidavits of Hamilton and Field, to the effect that in conversation Proctor stated flatly that he did not hold the opinion that the bullet was fired from Sacco's pistol, the Committee refuses to believe. All this ambiguity about Proctor's testimony could have been set at rest at the hearing for a retrial if Judge Thayer had summoned Proctor, at that time still alive, in person, as urged by attorneys for the defense. Whether the Committee made any effort to discover why he refused does not appear in its report.

E. In considering the Madeiros confession, the Committee is moved to remark that, "strangely enough," he does not admit committing the murder himself, but only to being present. "If he were tried, his own confession, if wholly believed, would not be sufficient for a verdict of murder in the first degree." With unintentional humor, the Committee seems to imply that unless another conviction is certain, the state had better hold on to those it has. The exclusion of the Madeiros testimony because of his vagueness in regard to the locality shows the persistent tendency of the Committee's thought. Others would find such vagueness perfectly natural in the case of a man who had assisted at a crime of which the entire action took place within two minutes. One point of corroboration in Madeiros' testimony was the fact that he remembered that the bandit car stopped at Mrs. Hewin's house to inquire the way. The Committee explains this away by imagining that Madeiros had heard the circumstance mentioned and incorporated it in his story.

F. It is obvious that the Committee fatally confused its procedure and weakened its report by considering the guilt of the accused. Its proper business was with the question whether the men had a fair trial. For one illustration of the effect of this confusion, take the evidence of the cap found near the body of the man Sacco is accused of killing, "which bears a resemblance in color to those he [Sacco] was in the habit of wearing—and when tried on in court it fitted." The question for the Committee was what effect this evidence had on the jury. The cap was, in fact, identified at the original trial by means of certain holes, an identification broken recently by the Chief of Police of South Braintree, who stated that he had made the holes himself in looking for other marks. Again, the Committee buttresses its belief in Sacco's guilt by the fact that "he had a pistol which is admitted to be of the kind from which the fatal bullet was fired." However interesting this fact seems to the Committee, we submit that the important question before them was the use made of the testimony in regard to the pistol before the jury. The Committee struggled bravely with contradictory expert testimony, with the happy result that, "if we assume that all expert evidence on such subjects is *more or less unbelievable* [italics ours] we can be sure that the shot was fired by the kind of pistol in the possession of Sacco." Does the Committee actually believe that on the accumulation of such evidence two men should be executed?

G. In its treatment of the testimony in regard to Sacco's identification, the Committee is obviously trying to be fair. "He looks so much like one of the gang who committed the murder that a number of witnesses are sure that he is the man. Others disagree; but, at least, his general appearance is admitted to resemble one of the men who took part in the affair." The testimony showing that Sacco was in Boston on April 15, the Committee dismisses *in toto,* without a word as to its inherent credibility. It remarks that Vanzetti's alibi is decidedly weak. Mrs. Brini is dismissed because she "had already sworn to an alibi for him in the Bridgewater case." Well, what of it? Vanzetti was a fish peddler who necessarily saw the same customers day by day. On the other hand, four people swore that they had seen him in Braintree. The last of these, Faulkner, testified that he was asked a question by Vanzetti in a smoking car between Plymouth and South Braintree on the day of the murder. The Committee's treatment of this testimony is so extraordinary that it should be quoted in full.

> Faulkner's testimony is impeached on two grounds: First, that he said the car was a combination smoker and baggage car and that there was no such car on that train; but his description of the interior is exactly that of a full smoking car; and, second, that no ticket that could be so used was so sold that morning at any of the stations in or near Plymouth, and that no such cash fare was paid or mileage book punched. *But that does not exhaust the possibilities.* [Italics ours.]

Altogether, it is obvious that the Committee is bringing in its own verdict in the case, as the result of a mismanaged retrial, in order to strengthen the conclusion that the jury was justified in finding Sacco and Vanzetti guilty, and that Judge Thayer was justified in refusing to open the case on new evidence.

We shall pass over the Governor's statement briefly. He saw an enormous number of persons, including the defendants, the judge, the jury, the attorneys, the witnesses who had testified at the original trial and those who had brought forward testimony later. His interviews with these wit-

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nesses were attended only by his personal counsel. This procedure was regarded with grave misgivings by the defense. The Governor, like his Committee, was unused to sifting evidence. The attempt to digest, without the check of judicial procedure and cross-examination, the immense mass of material within the record and outside might well give pause to infallibility. Nevertheless, the Governor went on with jaunty confidence in his own powers. It is impossible to know precisely what he was doing, as the proceedings were secret and no record kept. Nevertheless, it was possible to learn in some cases what he did, and in many cases what he did not do, in the course of his effort to embrace within his mind the whole material. Specific notes showing his method of investigation and its reference to the mass of evidence available are published in our article, "Was Governor Fuller Fair?" The Governor's own statement in rendering his decision, however, is sufficient to prove that his study of the case, however diligent, was superficial, and his understanding of it appallingly naïve. His tone is in marked contrast to the fumbling style of the Committee. It suggests still more plausibly that his mind was made up in advance, and incapable of penetration by facts. For example:

A. The Governor shows either prejudice or extraordinary incompetence to judge evidence, in misrepresenting Sacco's alibi. On his arrest, he was asked where he was on a certain day some three weeks before, and replied that he was at work, as indeed had been the case on all surrounding dates. His subsequent recollection of being in Boston on April 15 was supported not only by an employee in the Italian consulate, as mentioned by the Governor, but also by the men who ate luncheon with Sacco on that day. This alibi was closely scrutinized by the Committee, who failed to break it down. The Governor does not refer to it.

B. As to Vanzetti, the Governor states that he had "previously been tried before another jury" for the Bridgewater hold-up, apparently not realizing that this, like the Braintree crime, was attached to Vanzetti after his arrest on other grounds. He expresses belief in the witnesses who identified Vanzetti as the Bridgewater criminal. The dozen alibi witnesses who testified that they had bought fish from Vanzetti on December 24, the day of the crime, were discredited, in the eyes of the court, at the original trial. They were Italians, and the fact that they all testified to buying eels was regarded as evidence of collusion. The Governor obviously took the same view. He put upon the defense an extraordinary burden of proof when he pointed out that, though these witnesses testified to having bought eels from Vanzetti on the day in question, there was no evidence that Vanzetti had had any eels to sell. Thereupon, at the last minute, the defense discovered with which of the Italian merchants in Boston Vanzetti had dealings, and produced a record in a ledger six years old, of the sale and shipment of a cask of eels on December 20, and the express company's receipt on their delivery. The Governor continued to reject the testimony of Vanzetti's customers. They were still Italians.

C. Whole areas of testimony were apparently entirely overlooked by the Governor. There were, for example, the records of police inquiries immediately after the crimes were committed, and especially reports of Pinkerton detectives who examined promptly the witnesses in both cases. These latter reports were not available until recently, too late to be used in any of the previous motions for a new trial, and are in themselves sufficient to justify it. They show that the identifications obtained from government witnesses at the trial, in the presence of the accused, were largely discredited by descriptions previously given. (See testimony of Splaine, Cox, Harding, etc., cited in "Was Governor Fuller Fair?")

D. Another area of testimony which the Governor left unexplored was that of the records of the Department of Justice. He apparently took no account of the origin of the case in the pursuit of a group of Italian anarchists by Department of Justice men, the arrest of Salsedo and his mysterious death while in the custody of the Department, the activity of Sacco and Vanzetti in behalf of Salsedo and the consequent effort to "get" them. Officials then in the employ of the Department have made affidavits with reference to the frame-up of Sacco and Vanzetti. The defense had requested the Attorney General for permission to inspect the files of his department for documents in corroboration of these affidavits and had been refused. It is understood that the Governor was given this permission, but declined to avail himself of it. At least he might have gained a glimpse of the psychology of the radical working class, hunted down by a government which is itself guilty of the illegal imprisonment, and possibly the torture and murder of one of them. Perhaps the Governor would not have been so shocked as he was at finding the original story of Sacco and Vanzetti "a tissue of lies."

The application to the United States Supreme Court is based upon the refusal of the state authorities to grant a retrial in the face of the immense amount of new evidence which has become available. This evidence has never been considered as a whole in its bearing on the case. The defense has never had an opportunity to present its case properly with all the facts assembled. The failure of Governor Fuller and his Committee to afford this opportunity is obvious.

Apart from the strictly legal aspect of the case, there are reasons of wider and deeper significance for desiring the intervention of the Court. The case has become an international concern; it has become a symbol of the tension between classes,

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and a test of the good faith of the class in power. This was inevitable from its origin. As we have pointed out, Sacco and Vanzetti were arrested as revolutionists: they were occupied with plans and efforts toward what the whole country had recently announced as its solemn purpose—the making of a better world. They did not believe in the method which the country adopted—that of war. The country did not believe in the method which they urged—the gradual abolition of private property and government. There was inevitable antagonism. This was emphasized by the conduct of the trial, and especially by the violent utterances of the trial judge outside the court. Governor Fuller may honestly believe that the animus shown by Judge Thayer in boasting of what he would do to the "anarchistic bastards" was not incompatible with scrupulous fairness on the bench. The world will never believe it. The unconcealed hostility of people of the upper class, demanding in some cases the blood of these men whether guilty or not, has charged the case with the deadliest social poison. The appointment, as an antidote, of a committee composed solely of this class was a measure unworthy of even a mediocre mind. The Governor may honestly believe that Lowell, Stratton and Grant are men "whose reputation for intelligence, open-mindedness, intellectual honesty and good judgment were [sic] above reproach," and this being the case that their verdict would reassure "conscientious men and women who were genuinely troubled about the guilt or innocence of the accused and the fairness of the trial." Such belief shows the tragically parochial quality of his mind. The world will never share it. If anything were needed further to arouse class feeling and to provoke reprisals it is the flood of comment upon the Governor's decision from members of his own class—comment which reflects the enthusiasm of victory, the complacency of self-righteousness, and the sort of wisdom which identifies the safety of society with vengeance against individuals.

Another phase of the case in its international aspect is the belief current in Europe that the accused were condemned as foreigners. The Journal de Genève for July 21 declares:

> Everything indicates that Sacco and Vanzetti have been condemned not as assassins but as revolutionists. . . . One cannot escape the impression that they have been condemned, and this is more serious still, as Italians. It is inconceivable that they could have been treated as they have been if they had been American citizens. Public opinion would not have allowed it. But it is unfortunately too true that in America the poor emigrants are often considered as human beings of the second class.

No one will deny that among enlightened nations a polity should prevail which should give to each other's nationals treatment of the most favored sort. In a world of exacerbated national feeling this is a matter of the highest expediency. Such a polity does prevail with respect to the upper classes, but does not include the poor.

One privilege, indeed, Sacco and Vanzetti have had, that of attracting a devotion and loyalty on the part of their own class, and of individuals in a class not their own, such as appears only once in a generation. It is impossible to speak without emotion of the six years of devoted service to their cause of Mrs. Glendower Evans, of the defense committee, of their former counsel, Messrs. Thompson and Ehrmann, and lately of Mr. Arthur D. Hill, undertaken for no reward, merely to provide these men with a fair trial and to save the state of Massachusetts from guilt. If anything can serve to abate the bitter class feeling in this case and to disarm the spirit which would meet chicane with violence, it is the honorable example of these men and women of whom humanity may be proud.

Mr. Coolidge Retires

PRESIDENT COOLIDGE'S decision not to run again is the most important and statesmanlike act of his whole career. We say this on the assumption, which we feel is entirely justified, that he meant what he said, and will resist the pressure from his political associates to withdraw his announcement and consent to be drafted, "because of overwhelming demand." We think too little has been made of the fact that his statement came exactly four years after he assumed office on the death of President Harding. Clearly, he chose what he regards as the end of his first four-year term to announce that he will not seek to remain in office longer than has any other President in our history. There is no reason, except that provided by the frantic anxiety of his political hangers-on, to suppose that he said "No," hoping to be persuaded to say "Yes."

In making his decision, the President's motives were doubtless mixed. It is reported on good authority that Mrs. Coolidge has recently grown apprehensive about the effect on her husband's health of another quadrennium in the White House, despite the fact that, thus far, the presidency has agreed with him. She looks at the record, which shows only one living ex-President, although three other men might well have been expected to live until the present time. Even more important, no doubt, has been the effect on the President himself of the type of argument reported by our Washington correspondent in his despatch last week—a despatch which, written, of course, before Mr. Coolidge's announcement, has turned out to be uncannily prophetic. It is almost certain that the country could be made to accept another four years of Mr. Coolidge; but, in the phrase of the Springfield Republican, he would be "sullenly accepted," and that fact would make more likely a complete

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reversal in 1932 and the seating of a President who would be, from the standpoint of the average Republican, dangerously radical. Mr. Coolidge's summer experience has doubtless contributed to reinforce this argument. He has not had a happy vacation. The flare-back from the ridiculous publicity to which he has been subjected has been enough to dishearten even a less sensitive man. The effort to placate the disaffected farmers by camping among them for a time has failed dismally, as should have been foreseen.

Most important of all, undoubtedly, is the fact, of which Mr. Coolidge cannot fail to be aware, that a tide of protest is rising against even a fractional third term, such as would be embraced in the proposed period in office of nine years and seven months. The respect for the two-term tradition is strongest, it must be remembered, among the very people with whom Mr. Coolidge generally finds himself in agreement. It is the sort of tradition which makes an especial appeal to his own temperament. It should not surprise us, then, that on sober reflection he decided not to take a course which in his own mind had in its favor nothing but expediency, and even then without any guarantee as to the result.

The New Republic has disagreed and still disagrees with Mr. Coolidge as to many of his major policies. We do not propose here to discuss his retirement from office in the light of that disagreement. We believe that, regardless of personality or policies, the decision to maintain the tradition against serving longer than eight years is a wise one. Needless to say, we do not hold this view because of the mere existence of the tradition as such. It is quite true that Washington, when he refused to serve more than twice, was actuated at least in part by personal motives; it is also true that conditions a century and a quarter ago differed so materially from those of today that they do not afford an important parallel. In this case, however, the march of events has given new and better reasons for the maintenance of the rule, rather than the reverse.

During the history of this nation the presidency has grown enormously in importance as compared with the other branches of the government. There is an increasing tendency to delegate more authority and responsibility to the Chief Executive, and while there are recessions in this movement, they fall far short of offsetting the general trend. One result of this is the fact, so often noted, that any President, under what are now "normal" circumstances, can force his renomination, at the end of his first term. Not only does he, by means of federal patronage, create a huge personal machine which is almost irresistible in the conventions, but he is the head of his party, and the whole organization stands or falls by his success or failure. Through this control of political machinery, there is an inevitable unholy alliance between the President and the thousands of job-holders who, directly or indirectly, depend upon his favor for their bread and butter. This is the fact which makes a second reëlection undesirable, regardless of the length of time the President would serve, whether twelve years or ten or eight and a fraction. It is regrettable that any President should even once use this tremendous political leverage—as he must do, in some degree, whether he wishes to or not; and to use it twice would be so much more serious that it would constitute a national calamity.

Defenders of the third term often assert that there may once have been danger of a dictatorship or the creation of a monarchy in this country, but that no apprehension on this score need any longer be felt. While this may be technically true, we have, in fact, already reached a condition which has many of the same undesirable features. Not only is it a fact, as we have pointed out, that the responsibilities of the Executive have steadily increased; but the degree to which the public has come to regard him as the sign and symbol of authority has increased even faster. One of the major phenomena of our times is the growing desire of the people to find someone upon whose shoulders they can lay their burdens, even though those shoulders may be, demonstrably, pathetically narrow ones. This process is accelerated by the deification of the President by the press, its general unwillingness, even when it speaks for the opposite political party, to puncture the myth of omniscience. The glorification of the Executive began, in its present exaggerated phase, with President Wilson during the War. It was still more characteristic of the administration of Mr. Harding, and has reached its climax in the case of Mr. Coolidge. This attitude, even when it is not deliberately created for sinister purposes, is bad for the country and equally bad for the man who is its occasion. Every eight years is none too often to interrupt this process and begin gilding a new idol. For this, above all other reasons, we feel the two-term tradition deserves support; and whether he was consciously motivated by this reason or not, Mr. Coolidge, by deciding to adhere to it, has done the country a great service.

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Mexico's Coming Election

THE government is boxing up the National Palace to ship it to Sonora." Such was the current jest last year in Mexico City, when, to add a third story, boards and scaffolding were placed about the pink-stone façade of the historic edifice which, for three and a half centuries, has housed the major official activities of Colony and Republic. For the state of Sonora rules Mexico.

Ever since 1914, when the victorious army of Obregón swept down from the Northwest across Nayarit and Jalisco to the capital, the super-men of Sonora have dominated national affairs. Today, thirteen years after bloody Huerta's ill-starred attempt to turn back the wheels, the three presidential candidates—Alvaro Obregón, Francisco Serrano, and Arnulfo Gómez—are all natives of that state. Likewise, in 1923, the three candidates —Plutarco Elías Calles, Angel Flores (of Sinaloa), and Adolfo Huerta—were from the Northwest. Go into any governmental department today: if the head is not a Sonorense, the assistant usually is, and numerous subordinates. In the later days of Rome, the Cæsars came from north of the Alps at the head of victorious legions; so in modern Mexico the latest rulers hail from the Northwest. Just as half a century ago, Porfirio Díaz rode into thirty years of power on the shoulders of the fierce Indians from the Oaxacan Sierras, so at the beginning of the present epoch, the leaders of Sonora whirled down the Paseo de la Reforma to the old Palace and to victory at the head of serried ranks of tall, war-loving Yaquis, marching to primitive tom-tom. Every new crisis has precipitated bitter feuds among the Sonora captains; nevertheless, this state has maintained sure grip on the storm-shaken helm. The fact is proof of the feebleness of Mexican democracy and the persistence of the Indian-Roman-Spanish super-state based on army control—a system little changed since Iturbide, a century ago, betrayed the crown and established the *Tres Guarantías* of independence with imperial pomp.

Today, the motto "Effective Suffrage, No Reelection," which was used at the birth-throes of the Madero revolution against the dictator Díaz, a motto which graces every official *communiqué,* even that which promulgated the reëlection amendment last year, is as purely decorative as the bedraggled toga of republicanism which scarcely conceals the hairy chest of the military tradition of Ahuítzotl, Cortés, and Santa Ana. Obregón is obliged to demand reëlection to preserve the main drive of the Revindicating regime toward agrarian reform, regulation of foreign capital, conservation of resources, anti-clericalism, labor emancipation. His plight attests the feebleness of the popular political and social agencies flowering from the 1910 overthrow, agencies which this same regime has cultivated with great care. Serrano and Gómez, to satisfy inflated ambitions and salvage the one abstraction—"no reëlection"—are willing to concede all to the Church and adventurous foreign capital. Beginning with Carranza, and even more sharply defined in 1920 under Obregón, social and economic changes have come, ousted stereotyped political formulas. That the Madero "no reëlection" slogan has faded on the walls of history is a minor source of woe compared to the fact that the popular social forces which deepened their channel, during the struggle against Huerta, must still water the roots of personal military ambitions and dissipate themselves in the marsh of armed conflict. The shift of emphasis from social principles and organized social control back to that of *caudillismo,* to the one-man rule, to Obregón, "the great chief," "the captain who has never lost a battle," represents dangerous retrogression. Yet only thus, it seems, is the Revindicating movement able to survive the scramble of selfish ambitions—by the imposition of the super-ambition. Instead, this election may ring the death-knell of an era and herald a new period either of dictatorship or of armed disintegration.

I shall not trace here the various evolving democratic tendencies—the growth of labor and peasant organizations, the increasing attention to education, the development of coöperative enterprises, the revitalized racial homogeneity as in the Maya southeast, the growth of home rule and village autonomy, the expansion of popular initiative—things which, in sum, may ultimately enforce orderly political succession. Even today the army *tuchuns* must make a show of consulting these determining factors. Unfortunately, many of the new popular organizations, such as Labor, have been vitiated by being lifted too soon to the official banquet *salon.* And all these tendencies, and the organizations representing them, are likely to be thwarted and blighted, whichever candidate reaches the throne.

The government itself is always a powerful factor in elections. Official machinery is apparently hoisting Obregón. The government's position in the coming election has been affected by the Yaqui war, the international difficulties, and the Catholic question, conflicts which have aggravated the customary business depression of the campaign period. Economically, Mexico has toiled steadily up-grade ever since it came so near to anarchy, in 1915, after Huerta's downfall. This year, stringency due to the petroleum situation, bad crops, and political crises has already made itself felt. True, the

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Catholic boycott has not made much dent. Eighty percent of the Mexican people has been obliged to observe a perpetual "luxury boycott" since the dawn of history; and in a moment of declining revenues and exports, in a period of readjustment to new laws, such a boycott—to the slight extent to which it has been effective—has probably been rather beneficial.

More serious is the fact that the cessation of religious masses has, in many villages, discouraged the Sunday market-days which were so stimulating to rural intercourse. Also, punitive army tactics in Jalisco and Colima have left one of the richest agricultural regions prostrate. The recent conciliatory attitude of the government toward the Church, if sincere, comes at an opportune moment. Following sensational disclosures (which were hastily hushed up) that subordinate civil and military police had been arresting, fleecing and robbing well known Catholics, even to the extent of carrying off valuable articles from their homes, Calles wisely has ordered all *sediciosos,* who had been sent without trial to the terrible tropic penal islands, Islas Marías, to be restored to their homes; also that all Catholics under arrest—from whom officials have been attempting to extort fabulous sums—should be released. Talk is now rife that a *modus operandi* will soon make possible resumption of religious services. Such a reversal of tactics, now that revolt has been sternly crushed, would rob Gómez of armed Catholic support and facilitate the success of Obregón.

II

The word "revolution" in Mexico is as common and debased as "democracy" in the United States. In the United States, even Mr. Kellogg ostensibly believes in democracy; in Mexico, the average land-owner often calls himself a "revolutionary"—the old confusion of ends and means. Hence, in the Gómez nominating convention of the National No Reëlection party, the same orators who declared the tyranny of Díaz preferable to that of Calles were the loudest in crying for "revolutionary principles." Hence the list of "martyrs of the revolution," given such clamorous ovation, included not merely the name of the agrarian revolutionist, Emilio Zapata, but also that of Rudolfo Gallego, the Catholic "general" recently killed fighting the present government in Guanajuato. Carranza, who ordered Zapata killed, was coupled with Villa and Felipe Angeles, two outstanding rebels against his authority. Also there appeared the last of revolters against Obregón: Murguía and the ill-fated leaders of the De la Huerta reaction, Diéguez, Villareal, Alvarado, Maycote. The one remarkable omission in the long list was Felipe Carrillo, Maya chief, ex-governor of Yucatán, perhaps the only truly noble martyr of the era. Thus the convention's definition of a martyr was anyone who had led a gang of soldiers, whether to wreck order for personal ambition or to fight for ideals. The convention, with its 1,700 bureaucratic delegates, was a conglomerate of has-beens, a motley collection of ex-supporters of Díaz, Madero, Carranza, De la Huerta, and Catholic revolt—each group had to have its martyrs. But the flaunting of such names is an augury of early revolution.

The assemblage included in its program the following:

"Religious freedom," meaning—as accompanying speeches disclose—an immediate nullification of existing religious laws and the amending of the 1917 constitution to place the Church in a more favored position than in 1857;

"Non-retroactivity of Article 27"—actually a complete capitulation to the oil companies, hence a legalization of existing bad titles, hence—since Doheny is the leading producer—a bowing of the neck to the Teapot Dome protagonists;

"Collaboration of classes"—the emasculation of Article 123 of the Constitution, which provides Mexico with a modern labor code, and the stringent curtailment of labor activities.

The military forces in Vera Cruz under Gómez, have, in fact, systematically broken strikes and murdered leaders. It was Gómez who, in the face of court restraining injunctions, arbitrarily sent a prominent Vera Cruz leader to be deported to Guatemala, thus usurping a presidential prerogative. And it is freely rumored that favored Vera Cruz oil companies have contributed heavily to his campaign funds.

In spite of Gómez' smoke-screen of "No reelection" and the tears shed over the tomb of Madero, a candidate upholding the postulates noted above could scarcely remain in power any length of time in present-day Mexico. The old aristocratic groups, even should they be willing to support a revolutionary turn-coat, are completely demoralized and scattered; the middle class is still in embryo. Obregón is already ridiculing Gómez for not making a better contract before going over to the Church and Artichoke parties. And though the army is still the decisive factor in determining political shifts, no purely military dictatorship untinged with the *Aufklarung* can endure in a country in the throes of social change, working out problems of racial and cultural amalgamation, of economic reconstruction, passing from feudal to modern life, from a colonial to a national status—such an unadulterated rule of force could not guarantee stability.

Obregón needs less introduction than Gómez. Originally a small land-owner in Sonora, he joined in the revolt against Huerta, and in 1914 reached the capital with his troops from Sonora ahead of all his revolutionary associates. It was his military prowess which saved Carranza, and, in 1915, drove Villa north from Celaya into the Durango cactus.

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It was his energy in 1920 which broke the De la Huerta advance on two fronts. As a civil official, Obregón has been a balance-of-power man rather than a single-track, non-compromiser like Calles. If his administration—more tolerant than that of Calles—allowed for freer development of popular initiative and organization, nevertheless it bequeathed serious conflicts to his successor. Obregón played civil and military ambitions against each other; he jockeyed for the support of not one, but several labor groups; he was genial about the use of public funds; he compromised heavily with the United States and did not enforce the Church provisions of the Constitution. Calles, in contrast, has raised nonentities and rubber-stamps to cabinet positions, better to dictate general policy, has even crowded out capable and honest personalities, such as Dr. Manuel Gamio, Governor Aurelio Manrique, Ramón P. de Negri and José Vasconcelos; he has built his labor policy on the Regional Confederation of Labor (C. R. O. M.), led by Luis N. Morones, permitting rival organizations to be harassed and strangled; he has attempted, with indifferent success, to purge the army and inspire its *tuchuns* with national loyalty; he has rigorously and systematically built up a codification of the 1917 constitution, thus precipitating anew conflicts with the Church and the United States; he has stood like a growling watch-dog at the gates of public expenditure; and has proved, if not in the game of politics, in the work of sound reconstruction, far more practical than Obregón. Furthermore, it must be confessed that Obregón, though making land-distribution the main plank of his present platform, is today the largest land-holder in the republic; that his monopoly of the *garbanza* and other crops has ruined small farmers of the Northwest; that his personal activities helped precipitate the Yaqui revolt; and that Sonora is one of the most backward entities with respect to the application of the agrarian laws.

Obregón bases his support (1) on the peasants, largely outside the CROM; he has already received the nomination of the National Agrarian party, headed by Soto y Gama, former associate of Zapata, and of the newer National Peasants League, claiming three hundred thousand members; (2) on the workers, from whom he has received only local nominations; (3) on the railway employees (evidently not workers), whose cause he espouses because of the attempts of the CROM to destroy their organization; (4) and on the middle class. He promises to support the Church and international policies of Calles. In addition, Obregón has the full support of the Senate and most of the Chamber. He is most popular in Sonora and in the Maya southeast, Yucatán and adjacent states. A number of governors, Portes Gil of Tamaulipas and Margarito Ramírez of Jalisco, etc., swear by him.

The third candidate, Francisco Serrano, was Secretary of War under Obregón and helped put down De la Huerta. Early in the Calles administration, Serrano was sent to Europe to study the military systems and purchase army supplies. Returning, he was named Governor of the Federal District, soon becoming notorious for the gambling dives he countenanced and for other personal irregularities. The word went around, however, that he was being groomed for the presidency as Obregón's official candidate. It is now evident that Obregón egged him on to a premature announcement, using him as a stalking-horse to sound public opinion and divide opposition. Serrano is resentful; heated words have passed. Now, parleys between Gómez and Serrano promise a new nominating convention in November to choose the more popular or else an agreeable third substitute. In case of successful revolution by the No-reëlectionists, rumor slates Serrano to finish out Calles' term and call elections to put Gómez into office.

III

The Mexican Labor party, the political expression of the CROM headed by Luis N. Morones, Minister of Industry, Commerce and Labor, does not hold its nominating convention until September. The *Grupo Acción*, the inner clique of twenty leaders, all of whom have fat government jobs, made the mistake of starting out months ago to flirt with Serrano. But Serrano has broken with Obregón; Serrano has gathered, as a result of his overtures to Gómez, reactionary opprobrium; and as the *Grupo Acción* is on exceedingly cool terms with Obregón, who has surrounded himself with bitter anti-CROM elements, the Labor party is completely isolated. Instead of candidates bidding for its support, its role has become that of the scorned Seanchan on the threshold of King Obregón. Like every other civil organization, it must pin its black and red placard to a general.

Only one other course remains—participation in a new and as yet unformed labor-military electoral bloc, supporting still a fourth candidate—improbable but not at all impossible. Such a bloc, secretly supported by Calles, possibly including Morones, Gasca (Governor of Guanajuato), Tejeda, (Minister of Interior), who has much influence among the peasants; possibly Amarao (Secretary of War), and other powerful army chiefs, might draw Serrano away from Gómez and precipitate an entirely new set of possibilities. As yet, there is no positive indication of such a regrouping, and in any event, the army would still be the decisive factor. But, in case of grave disorder, a dictatorship by Calles might result.

No absolute estimate of how the army strength is distributed among the three candidates now in the field can be made: nor would such an estimate be final, owing to the proverbial treachery of the commanders and to the possible emergence of the military-labor bloc just suggested. Nevertheless, even

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in the present unripe stage of the campaign, some definite, and I believe, fairly permanent, alignments can be discerned.

Two military campaigns have just been waged: one with the Sonora Yaquis, the other with the Jalisco Catholics. The Yaqui struggle announced a partial defection of the very elements that had previously provided cannon-fodder for the Sonora dictatorship; yet the Yaquis themselves have been divided: a strong corps of disciplined fighters has remained loyal to Obregón. The Yaqui campaign itself, largely a farce, has served as an excuse to pour soldiers, ammunition, supplies and money into the Northwest. This influx began shortly before the Catholic situation became acute, placing Obregón in a position to confront any emergency. General Manzo, Sonora division commander, is a thoroughly tested Obregonista; his relatives have occupied high lucrative posts. The governor, young General Topete, equally loyal, was very active in putting down De la Huerta. The state of Sinaloa, first door south of Sonora, is fairly Obregónista. Next, the Catholic War in Jalisco, exacerbated by the very militarists and politicians of the government, threw a formidable body of troops, supplies, money and power to General Ferreira, pronouncedly pro-Obregón. Equally strong for Obregón are J. Guadalupe Zuno, ex-governor and political boss of Jalisco, (nicknamed "The Little Obregón"), and the present Governor Margarito Ramírez, an ex-rail employee, who in 1920 helped Obregón (under arrest in Mexico City) to escape in a caboose to Balsas in Guerrero to raise the banner of revolt against Carranza. All these elements are bitterly antagonistic to the CROM, but they insure Obregón a clear military lane down the west coast and through Jalisco to the capital—his old 1914 route—in many respects the most feasible military approach to the center of the Republic, less easily blocked than the steep climb up the Vera Cruz escarpment; and, once Nayarit has been crossed, with fewer mountain barriers than the ascent from the north. On the other hand, General Eugenio Martínez, next to Obregón the ablest tactician in the army, is reputed to be a Serrano supporter, and is in charge of the forces of the Valley of Mexico. Calles recently attempted to replace him with General Escobar, a tried friend of the administration, but the shift was never made. Also, it is asserted, Calles, with equally poor success, tried to send Martínez to Europe. It was General Martínez who is supposed to have reconciled Serrano and Gómez, getting them to promise to fuse their campaigns by next November. The rest of the northern frontier states are apparently controlled by Gómez and Serrano generals —states indispensable for successful revolution. Recently General Marcelo Caraveo, a Serrano supporter, staged a *coup d'état,* drove out the Obregón governor, took over local affairs into his own hands and refused to come to the capital to consult with President Calles. The one outstanding military barrier to an advance south into Central Mexico by the non-Obregón troops would be General Saturnino Cedillo, founder of the noted coöperative military colonies on the Río Verde, now commandant of San Luis Potosí. Some months ago, it was he who, debouching out of his legitimate field of operations, attacked and killed the Catholic general Gallegos. Strategically, San Luis Potosí is the key state in the north central plateau: 65,600 square kilometers, 600,000 inhabitants, rather arid and precipitous, it commands both trunk railway lines into the United States and the communications with Tamaulipas.

The attempts of Gómez to control Vera Cruz would be nullified by Tejeda, Minister of Interior and former governor, and by the present Governor Heriberto Jara, both of whom are fairly popular with the peasants whom Gómez has terrorized. Also pro-Obregón military, labor, and peasant forces in the state of Puebla bar Gómez in that quarter. Thus Obregón counts on an open military corridor from the Northwest to the capital, which, in turn, is protected by checks against the Gómistas and Serranistas in San Luis Potosí, Guanajuato (Governor Gasca), Vera Cruz, Puebla and other southern states, but he cannot count on the capital itself. On the other hand, should the fourth electoral bloc I have suggested spring into being, then Obregón would remain with his open corridor, but would probably lose Cedillo, Tejeda, Gasca, Jara; and the new grouping might include Caraveo of Chihuahua and Martínez of the Valley of Mexico.

Some unforeseen contingency, such as a land-slide to Obregón, or the assassination of one of the candidates, may change the whole face of the map and even obviate armed violence. But, at present, the stage is rapidly being set for a new military adventure, in which principles and civil democratic organizations will be obliged to hang forlornly to the coat-tails of paternal "generals"—like terrorized children in a theater fire—in danger of being trampled in the stampede. CARLETON BEALS.

The Condemned

August 3, 1927

Once you have killed these men, destroy their skin
And bone utterly and hide all vestiges
Of their existence. Let only nothingness
Remain of what your prisoners have been.
Permit their friends no grave to lay them in,
Erase their writings and their likenesses,
Forbid their names in all assemblages:
Cause them to be unmentionable sin.

For if anyone so much as named their name,
It would mean not them but you yourselves and shame,
And looking on their likeness he would see
Not them in prison-cells but you and me—
And would find recorded on their graveyard stone
That the death we meant for them became our own.

WITTER BYNNER.

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Life Itself

ONE could wish that the psychoanalysts would go into the question of diary-keeping. For often it is the one mysterious fact in a life otherwise as clear as the sky and as candid as the dawn. Parson Woodforde is a case in point—his diary* is the only mystery about him. For forty-three years he sat down almost daily to record what he did on Monday and what he had for dinner on Tuesday, but for whom he wrote or why he wrote it is impossible to say. He does not unburden his soul in his diary; yet it is no mere record of engagements and expenses. As for literary fame, there is no sign that he even thought of it, and, finally, though the man himself is peaceable above all things, there are little indiscretions and criticisms which would have got him into trouble and hurt the feelings of his friends had they read them. What purpose, then, did the sixty-eight little books fulfill? Perhaps it was the desire for intimacy. When James Woodforde opened one of his little manuscript books, he entered into conversation with a second James Woodforde who was not quite the same as the reverend gentleman who visited the poor and preached in the church. These two friends said much that all the world might hear; but they had a few secrets which they shared with each other only. It was a great comfort, for example, that Christmas when Nancy, Betsy, and Mr. Walker seemed to be in conspiracy against him, to exclaim in the diary, "The treatment I meet with for my Civility this Christmas is to me abominable." The second James Woodforde sympathized and agreed. Again, when a stranger abused his hospitality, it was a relief to inform the other self who lived in the little book that he had put him to sleep in the attic story and "treated him as one that would be too free if treated kindly." It is easy to understand why, in the quiet life of a country parish, these two bachelor friends became in time inseparable. An essential part of him would have died had he been forbidden to keep his diary. And as we read—if reading is the word for it—we seem to be listening to someone who is murmuring over the events of the day to himself in the quiet space which precedes sleep. It is not writing, and, to speak the truth, it is not reading. It is slipping through half a dozen pages and strolling to the window and looking out. It is going on thinking about the Woodfordes while we watch the people in the street below. It is taking a walk and making up the life and character of James Woodforde as we make up our friends' characters, turning over something they have said, pondering the meaning of something they have done, remembering how they looked one day when they thought themselves unobserved. It is not reading, it is ruminating.

James Woodforde, then, was one of those smooth-cheeked, steady-eyed men, demure to look at, whom we can never imagine except in the prime of life. He was of an equable temper, with only such acerbities and touchinesses as are generally to be found in those who have had a love affair in their youth and remained, as they fancy, unwed because of it. The Parson's love affair, however, was nothing very tremendous. Once, when he was a young man in Somerset, he liked to walk over to Shepton and to visit a certain "sweet tempered" Betsy White who lived there. He had a great mind "to make a bold stroke" and ask her to marry him. He went so far, indeed, as to propose marriage "when opportunity served" and Betsy was willing. But he delayed; time passed; four years passed indeed, and Betsy went to Devonshire, met a Mr. Webster who had five hundred pounds a year and married him. When James Woodforde met them in the Turnpike Road he could say little, "being shy," but to his diary he remarked—and this, no doubt, was his private version of the affair ever after—"she has proved herself to me a mere jilt."

But he was a young man then, and as time went on we cannot help suspecting that he was glad to consider the question of "bold strokes" and marriage shelved for once and for all, so that he might settle down with his niece, Nancy, at Weston Longueville, and give himself simply and solely every day and all day to the great business of living. What else to call it we do not know. James Woodforde was nothing in particular. Life had it all her own way with him. He had no special gift; he had no oddity or infirmity. It is idle to pretend that he was a zealous priest. God in Heaven was much the same to him as King George upon the throne—a kindly Monarch, that is to say, whose festivals one kept by preaching a sermon on Sunday, much as one kept the royal birthday by firing a blunderbuss and drinking a toast at dinner. Should anything untoward happen, like the death of a boy who was dragged and killed by a horse, he would instantly but rather perfunctorily exclaim, "I hope to God the Poor Boy is happy" and add "We all came home singing"; just as when Justice Creed's peacock spread its tail—"and most noble it is"—he would exclaim "How wonderful are Thy Ways, O God, in everything!" But there was no fanaticism, no enthusiasm, no lyric impulse about James Woodforde. In all these pages indeed, each so neatly divided into compartments and each of those again filled, as the days themselves were, so quietly and so fully, in a hand like the pacing of a well tempered nag, one can only call to mind a single poetic phrase about the transit of Venus, how "It appeared as a

* The Diary of a Country Parson. Vol. III. Edited by John Beresford. Oxford University Press.

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black patch upon a fair Lady's face." The words themselves are mild enough, but they hang over the undulating expanse of the Parson's prose with the resplendence of the star itself. Less effects have been achieved with greater efforts. So, in the fen country, a barn or a tree appears twice its natural size against the surrounding flats. But what led him to this palpable excess, that summer's night, we do not know. It cannot have been that he was drunk. He spoke out too roundly against such failings in his brother Jack to have been guilty himself. Jack was the wild one of the family. Jack drank at the Catherine Wheel. Jack came home and had the impudence to defend suicide to his old father. James himself drank his pint of port, but he was a man who liked his meat. When we think of the Woodfordes, uncle and niece, we think of them, as often as not, waiting with some impatience for their dinner. They gravely watch the joint set upon the table; they swiftly get their knives and forks to work upon the succulent leg or loin, and, without much comment, unless a word is passed about the gravy or the stuffing, go on eating. They munch day after day, year after year, until they have devoured herds of sheep and oxen, flocks of poultry, an odd dozen or so of swans and cygnets, bushels of apples and plums, while the pastries and the jellies crumble and squash beneath their spoons in mountains, in pyramids, in pagodas. Never was there a book so stuffed with food as this one is. To read the bill of fare, respectfully set forth almost every day, gives one a sense of repletion. It is as if one had lunched at Simpson's daily for a week. Trout and chicken, mutton and peas, pork and apple sauce—so the joints succeed each other at dinner, and there is supper, with more joints still to come, all, no doubt, home grown and of the juiciest and sweetest; all cooked, often by the mistress herself, in the plainest English way, save when the dinner was at Weston Hall and Mrs. Custance surprised them with a London dainty—a pyramid of jelly, that is to say, "with a landscape appearing through it." Then Mrs. Custance, for whom James Woodforde had a chivalrous devotion, would play the "Sticcardo Pastorale" and make "very soft music indeed"; or would get out her work box and show them how neatly contrived it was, unless, indeed, Mrs. Custance were giving birth to another child upstairs, whom the Parson would baptize, and, very frequently, bury. The Parson had a deep respect for the Custances. They were all that country gentry should be—a little given to the habit of keeping mistresses, perhaps, but that peccadillo could be forgiven them in view of their generosity to the poor, the kindness they showed to Nancy, and their condescension in asking the Parson to dinner when they had great people staying with them. Yet great people were not much to James' liking. Deeply though he respected the nobility, "one must confess," he said, "that being with our equals is much more agreeable."

He was too fond of his ease, and too shrewd a judge of the values of things to be much troubled with snobbery; he much preferred the quiet of his own fireside to adventuring after dissipation abroad. If an old man brought a Madagascar monkey to the door, or a Polish dwarf or a balloon was being shown at Norwich, the Parson would go and have a look at them, and be free with his shillings, but he was a quiet man, a man without ambition, and it is more than likely that his niece found him a little dull. It is the niece Nancy, to speak plainly, who makes us uneasy. There are the seeds of domestic disaster in her character, unless we mistake. It is true that on the afternoon of April 27, 1780, she expressed a wish to read Aristotle's philosophy, which Miss Millard had got of a married woman; but she is a stolid girl; she eats too much, she grumbles too much and she takes too much to heart the loss of her red box. No doubt she was sensible enough; we will not blame her for being "pert and saucy," or for losing her temper at cards, or even for hiding the parcel that came by post when her uncle longed to know what was in it, and had never done such a thing by her. But, when we compare her with Betsy Davy, we realize that one human being has only to come into the room to raise our spirits, and another sets us on edge merely by the way she blows her nose. Betsy, the daughter of that frivolous wanton, Mrs. Davy, who fell downstairs the day Miss Donne swallowed the barley corn with its stalk, Betsy, the shy little girl, Betsy livening up and playing with the Parson's wig, Betsy falling in love with Mr. Walker, Betsy receiving the present of a fox's brush from him, Betsy compromising her reputation with a scamp, Betsy bereaved of him—for Mr. Walker died at the age of twenty-three and was buried in a plain coffin—Betsy left, it is to be feared, in a very scandalous condition—Betsy always charms; we forgive Betsy anything. The trouble with Nancy is that she is beginning to find Weston dull. No suitor has appeared. It is but too likely, the ten years of Parson Woodforde's life that still remain will often have to record how Nancy annoyed him with her grumbling.

The ten years that remain—one knows of course that it must come to an end. Already the Custances have gone to Bath; the Parson has had a touch of gout; far away, with a sound like distant thunder, we hear the guns of the French Revolution. But it is comforting to observe that the imprisonment of the French King and Queen, and the anarchy and confusion in Paris, are only mentioned after it has been recorded that Thomas Kam has lost his cow, and that Parson Woodforde has "brewed another Barrell of Table Beer today." We have a notion indeed—and here it must be confessed that we have given up reading Parson Woodforde altogether and merely tell over the story on a stroll through fields where the hares are scampering and the rooks rising above the elm trees—we have a notion that Parson Woodforde does not die. Parson Woodforde goes

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on. It is we who change and perish. It is the Kings and Queens who lie in prison. It is the great towns that are ravaged with anarchy and confusion. But the river Wensum still flows; Mrs. Custance is brought to bed of yet another baby; there is the first swallow of the year. The spring comes and summer with its hay and its strawberries; then autumn when the walnuts are exceptionally fine, though the pears are poor; so we lapse into winter which is indeed boisterous, but the house, thank God, withstands the storm; and then again there is the first swallow, and Parson Woodforde takes his greyhounds out a-coursing.

VIRGINIA WOOLF.

Was Governor Fuller Fair?

As a result of the failure of the Supreme Court of the State of Massachusetts to provide for a complete review of the Sacco-Vanzetti case, the inquiry of the Governor and his Commission took the place of the retrial so earnestly demanded by the defense, and becomes properly the subject of such criticism as would be drawn to signal errors and lapses in regular judicial proceedings. It is unfortunate that the Governor chose to conduct his proceedings in secret and without the assistance and safeguards of cross-examination. From what transpired in regard to these proceedings, the friends of the accused men became doubtful of the competence of the Governor to control single-handed the immense mass of material accumulated in the case; and certain notes were drawn up to bring to his attention his failure to make use of certain available sources of evidence. In particular, the importance of the police investigations shortly after the crime, of the preliminary hearings respectively at Brockton and Quincy, and, above all, of the reports of the Pinkerton agency, which investigated both the Bridgewater and South Braintree crimes, is stressed. These contain descriptions of the criminals as given by witnesses immediately after the crimes were committed, which are, in many cases, at striking variance with the testimony of those witnesses in identification of Sacco and Vanzetti at the trials. Mr. Thompson obtained permission to inspect the Pinkerton reports too late to use them in his motions for a new trial. A résumé of this important testimony was presented to the Governor, who apparently ignored it. This is the significance of the notes below on the testimony of Harding, Cox, Splaine, Wade and Pelser. A second failure on the part of the Governor to use evidence available was his disregard of the files of the Department of Justice as to the activities of their agents in the spring of 1920. And, finally, the experience of certain witnesses before the Governor, such as Richards and Benchley, casts grave doubt on his mental and temperamental fitness for the part he assumed. We publish these reports in the form in which they were drawn up during the investigation.

FRANK W. HARDING. Governor Fuller has interviewed Frank W. Harding, a most important witness for the government at the trial of Vanzetti at Plymouth. We are informed that he has indicated that he places credence in Harding's identification, remarking, "Why, he was right there on the street and saw him. How could he be mistaken?"—meaning, we assume, that he saw the bandit, whom he identified some four months later as Vanzetti.

If Governor Fuller has placed credence in Harding's identification, we must respectfully submit that it occurred in the absence of any knowledge as to Harding's history in the Vanzetti case.

The testimony of Harding at the Plymouth trial—his description of the moustache worn by the man with the shotgun, whom he identified as Vanzetti, was admittedly at variance with his description given at the preliminary hearing at Brockton on May 25, 1920. There was no official record of the preliminary hearing, and we have reason to believe that His Excellency is not informed as to the testimony at the preliminary hearing.

We also have reason to believe that His Excellency is not aware that the same Harding gave to an operative from the Pinkerton National Detective Agency, on the very day of the Bridgewater hold-up, a description of the man with the shotgun which is totally at variance with the description given by Harding at the Plymouth trial.

We would respectfully inquire whether His Excellency has before him, or whether he has made any effort to obtain, the Pinkerton report, made to the L. Q. White Shoe Company, based upon the investigations made by its operatives, H. H., and J. J. H., into the Bridgewater hold-up.

We would respectfully inquire whether His Excellency is aware that Harding not only identified Vanzetti at the Brockton police station, but that he was reported by the police as having positively identified Orciani, who, as His Excellency knows, was arrested on the day following the arrest of Sacco and Vanzetti, and who was released on May 12. His Excellency may or may not know that Orciani was released only after the police found that he was at work in a foundry on the day of the Bridgewater hold-up and also at work on the day of the South Braintree hold-up.

In the police report of Harding's identification of Orciani, he was reported as having said, "If he is not the man, then he is his dead image." Since it is plain that Harding was entirely mistaken as to Orciani, we submit that this incident has a bearing on the value of Harding's identification of Vanzetti, made under practically the same conditions.

PAYMASTER COX. We understand that Governor Fuller has at some time interviewed Paymaster Cox of the L. Q. White Shoe Company, who was riding on the truck carrying the company's pay-roll when the attempted hold-up took place. We understand that Mr. Cox was a schoolboy chum of His Excellency's, and we understand that Mr. Cox has assured His Excellency that the man with the shotgun was Vanzetti.

Without adverting to the official record of the Plymouth trial or to the preliminary hearing at Brockton, we would point out that Mr. Cox's description of the man with the shotgun, given to the Pinkerton operative on the day of the hold-up, was at serious variance with the appearance of Vanzetti, but since His Excellency has not before him the Pinkerton report, or the police reports of the Bridgewater investigation, or the record of the preliminary hearing at Brockton, we can understand how His Excellency could be led, as we have reason to believe he has been led, into placing credence in the story of Mr. Cox.

In general, we point out that by failing to secure official records of the investigation of the Bridgewater hold-up

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during the period between December 24, 1919, and May 12, 1920, the date of the release of Orciani; and records of the preliminary hearing at Brockton, His Excellency is denying himself the very information which would enable him to arrive at a correct conclusion.

MARY SPLAINE. We understand that His Excellency has interviewed Mary Splaine, whose present name, we understand, is Mrs. Hilton R. Williams, and who was one of the five government identification witnesses who placed Sacco at South Braintree as one of the men shooting or in the bandit car.

We understand that, as a means of testing this witness, His Excellency requested her to accompany him to Beacon Street, and from some point on the street describe the appearance of a man in an automobile 150 feet away. We point out that Miss Splaine, at the Dedham trial, testified that she was standing at the second-story window of the Hampton House, looking down upon the bandit car as it approached across the railroad tracks with the top up.

We would call attention to the rather obvious fact that the conditions of the test to which His Excellency submitted Miss Splaine were not the same as the conditions under which she said she saw the bandit car, but we have not the least criticism to offer of his procedure in this instance, believing His Excellency acted in entire good faith and with a knowledge that the conditions under which she testified were different.

But we believe that His Excellency is not aware of Miss Splaine's history in the case, due, we must point out again, to the fact that His Excellency has appeared to rely solely on the official record of the case and upon the statements of witnesses made without counsel on either side present or even given an opportunity to examine witnesses' statements to him.

We presume that His Excellency, having read the official record, is familiar with the cross-examination of Miss Splaine by the defense counsel at Dedham, concerning her testimony at the preliminary hearing of Sacco and Vanzetti at Quincy. We would point out that there is no official record of the testimony at the preliminary hearing, the only record being one made by a stenographer employed by the defense. But we believe that His Excellency is not familiar in any way with what transpired at the Quincy hearing.

We have before us a statement regarding some matters connected with the *Sacco-Vanzetti* case, signed by Thomas O'Connor, who has been at the State House as a newspaper man for the past seven years. In relation to Miss Splaine, we quote the following from the statement:

> I have in my possession a copy of the report of the Pinkerton National Detective Agency concerning investigations made by an operative of the agency into the South Braintree hold-up. The operative, named Henry Hellyer, testified as a government witness at the Dedham trial. His report at that time was not available to the defense and I believe its contents were unknown to the defense. The report of the Pinkerton Agency was made to the Travelers Insurance Company, which insured the pay-roll of Slater and Morrill, Inc., against hold-up. The report of the operative dated April 19, 1920, four days after the hold-up, contains a long statement obtained from Mary Splaine, who was employed in the office of Slater and Morrill, located in the so-called Hampton House, who said she saw the bandit car as it approached across the tracks and that she rushed down to the scene of the shooting, after the bandit car went by. The report reveals that Miss Splaine charged in the most specific terms that the hold-up was plotted by two men employed by Slater and Morrill, and she gave the names to the Pinkerton operative and the names are set down in the report.
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> "The statement of Miss Splaine," the operative reported, "was part of a recital of affairs at the factory covering a period of eighteen years."
>
> On May 11, a week after Sacco and Vanzetti were arrested, the operative reported as follows: "As opportunities occurred, I made discreet inquiries about Mr. ——, whom Miss Splaine accused of being implicated in the murder and robbery. My inquiries show that there is absolutely no ground for Miss Splaine's accusation and that Mr. —— enjoys Mr. Slater's confidence. Today I took the matter up with Mr. Frayer [correct spelling Fraher]. He ridiculed the idea of Mr. —— being implicated and further states that no serious attention must be attached to Mary Splaine's stories, because she is one of the most irresponsible persons he ever came in contact with."
>
> The same Pinkerton report elsewhere states: "April 20. Next I proceeded to South Braintree and showed a picture of Tony the Wop. Miss Splaine said it was a picture of the man she saw standing in the automobile as it dashed by within fifty feet of her after the shooting and robbery. She described the man yesterday when I interviewed her and on seeing the photo today instantly declared that it was a photo of the man she saw standing in the car with a revolver in his hand and who wore light gray clothes."
>
> The report further states: "April 23. Today I resumed by going to the office of the Massachusetts District Police and conferring with Capt. Proctor on what several witnesses had said in regard to the Anthony Palmisano photo . . . An auto was sent to South Braintree to bring Messrs. Bostock, Frantello, Wade and Miss Mary Splaine to Boston. On their arrival, Capt. Proctor questioned them, showed a number of pictures, among them being Palmisano's, and had a stenographer take each person's story. Miss Splaine . . . identified the photo of Anthony Palmisano as a photo of the man she saw standing in the bandits' auto holding a revolver as the car came up Pearl Street . . . After the witnesses had left . . . Capt. Proctor arranged for Sherlock and Crawford to leave for Buffalo on the 4:45 P. M. train, there to start an investigation of Anthony Palmisano."
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> The Pinkerton report further states: "April 26. I proceeded to the Massachusetts District Police and saw Capt. Proctor. He said that Anthony Palmisano was arrested last January . . . and is now in jail."

We would respectfully inquire whether His Excellency feels safe in reaching a conclusion as to the probable accuracy of Miss Splaine's testimony by a test to which she was submitted on Beacon Street, Boston, and by a reading of the record of the Dedham trial, without regard to these other sources of information, of which we have reason to believe he has not yet availed himself.

CARLOS E. GOODRIDGE. Another of the five identification witnesses against Sacco at the Dedham trial was a man who testified under the name of Carlos E. Goodridge. It does not appear as yet that His Excellency has interviewed this man. We appreciate the difficulty of locat-

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ing witnesses, whose appearance is a purely voluntary matter on their part, but would remark that there is likely to be a special difficulty in securing an interview with this man. But the importance of Goodridge is such that we feel bound to inquire whether His Excellency has actually interviewed this man, and if he has not, what the State Police have to report concerning their efforts to find Goodridge and induce him to testify. From our knowledge of Goodridge's past we should be surprised to learn that he is at present out of prison.

We would point out that the official record of the case to which we understand His Excellency has so far confined his attention, other than the interviewing of witnesses, does not reveal the history of Goodridge. Except in one respect, his history was unknown to the defense until after the close of the Dedham trial. Consequently, neither the judge nor the jury nor the defense counsel at Dedham knew that Goodridge testified under a false name—that his real name was Erastus Corning Whitney; that he had spent some years in prison; that he was at the time of the trial at Dedham a fugitive from justice in New York; that he was brought back from Houlton, Maine, in May, 1920, by the chief of police of Braintree on a charge of larceny, preferred against Goodridge and his supposed wife by their employer; and that the charge against Goodridge was placed on file shortly before he testified as a government witness at Dedham, which is in the same county as Braintree.

We would point out that in the absence of information concerning Goodridge's personal history, His Excellency may not be inclined to attach to the failure of Goodridge now to appear, upon request, the significance which perhaps it deserves.

Louis L. Wade. This man was one of the five identification witnesses against Sacco at the Dedham trial. We do not know whether His Excellency has interviewed Mr. Wade. We assume he is familiar with Wade's testimony and with the attitude of Mr. Katzmann, the district attorney, toward Wade's testimony, as disclosed in his argument to the jury.

We would point out, however, that His Excellency has not before him the record of the preliminary hearing at Quincy, where Wade was put forward as an identification witness against Sacco; and that he has not before him the record of the testimony at the inquest held at Quincy on April 17, two days after the South Braintree hold-up.

From the statement of Mr. O'Connor we quote: "The Pinkerton report on the South Braintree hold-up has this to say concerning Wade: 'April 23. Today I resumed by going to the office of the Massachusetts District Police and conferring with Capt. Proctor on what several witnesses had said in regard to the Anthony Palmisano photo . . . An auto was sent to South Braintree to bring Bostock, Frantello, Wade and Miss Mary Splaine to Boston. On their arrival, Capt. Proctor questioned them and showed a number of pictures, among them being Palmisano's, and had a stenographer take each person's story. Louis Wade, the fourth witness, told his story, but as he went along it was evident that he did not have the remotest idea as to what the bandits actually looked like. He insisted that two of them were tall and heavily built, and that the third and fourth men he saw were tall and slim. Capt. Proctor discarded Wade's testimony altogether.' "

Louis Pelser. This man was one of the five identification witnesses against Sacco at the Dedham trial. We do not know whether Pelser has as yet appeared before His Excellency. We have no comment to make upon what the official record discloses concerning Pelser, realizing that His Excellency has read the trial record.

We would respectfully call attention to the fact that the report of the Pinkerton agency, covering a most exhaustive investigation made by its operative, contains no reference to Pelser as an eye-witness of the South Braintree hold-up. We do not presume to know at what stage in the case Pelser turned up as an eye-witness who was in a position to make a positive identification.

We would respectfully remind His Excellency that he has not been furnished with a copy of the inquest at Quincy, which was held two days after the murder. It does not appear that Pelser was called as a witness at the Quincy inquest. We would respectfully suggest that the stage at which Pelser turned up as a witness has a bearing on the credibility of his testimony. We would not press this point now but for the fact that we have reason to believe that this cannot be determined from the trial record, and we feel bound to say that our observations of the methods which His Excellency has undertaken to get at the truth in this case do not give us confidence that he has the complete story about Pelser.

Department of Justice. We would respectfully inquire whether His Excellency has availed himself of the opportunity to inspect the files of the Department of Justice in so far as they may relate to the Sacco-Vanzetti case. We would call attention to a most serious phase of the case against Sacco and Vanzetti, upon which the Department of Justice files and certain officials of the Department could furnish His Excellency with much light.

According to the statement of Judge Thayer, made in denying the Gould motion, Sacco and Vanzetti were convicted chiefly on evidence relating to their consciousness of guilt. The most important element in this supposed consciousness of guilt was their suspicious conduct at the Johnson house the night of May 5, preceding their arrest the same night, and especially actions which indicated that they feared Mrs. Johnson was telephoning the police about them.

Department of Justice agents between the summer of 1919 and the spring of 1920 were seeking to round up the so-called Galleani band of anarchists, of which Sacco, Vanzetti, Boda and Orciani were members. We have reason to believe that His Excellency will find that one Ravarino, an under-cover man employed by the Department of Justice, had wormed his way into the confidence of the members of the Galleani band of anarchists in Boston in the fall of 1919 or the winter of 1920; that he was responsible for the arrest of Elia and Salsedo in Brooklyn in the spring of 1920; that Vanzetti learned of the activities of Ravarino on his visit to New York on April 26, 1920, in an attempt to aid Elia and Salsedo; and that he returned to Boston with the knowledge that the Department of Justice had secured, through Ravarino, its under-cover man, the names of all or many of the Galleani anarchists.

We respectfully suggest that the information contained in the files would assist His Excellency in determining the real explanation for the supposed hurried departure of Sacco and Vanzetti from the Johnson house the night of May 5; their lies to Chief Stewart concerning Coacci and Boda, two fellow anarchists, who were, on Stewart's state-

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ment to Mr. O'Connor, suspected by Stewart because of the theory which he had formulated; and the disappearance of Boda the day after Sacco and Vanzetti were arrested.

We would add, perhaps unnecessarily, that Salsedo was found dead early in the morning on May 4, the day before Sacco and Vanzetti were arrested. He had been held prisoner in the office of the Department of Justice, on the fourteenth floor of the Park Row Building. Whether he jumped, fell or was thrown out of the window has never been officially determined.

We would further ask whether His Excellency has made any attempt to secure the statement of Attorney General Palmer, made before the House Rules Committee in May, 1920, in connection with the so-called Red Raids of 1920. We would suggest that this report, which is a public document, would also throw some light on the matter of consciousness of guilt. We refer particularly to that part of the statement which includes the report of J. Edgar Hoover, chief of the Radical Division in the Department of Justice.

We are most serious in pressing this matter, partly because we understand that His Excellency has been assured by a local judge, called, not as a witness, but as an interpreter, that the so-called Red Raids were over by the end of 1919, and we fear that this assurance, received by him in the absence of information obtainable from official sources, may incline His Excellency to dismiss as invalid the explanation put forward on behalf of Sacco and Vanzetti—that the drive against Italian radicals, and, it now appears, against the Galleani band of anarchists, was the true cause of their suspicious conduct.

JOHN J. RICHARDS. We understand that John J. Richards, a Providence attorney, was interviewed by His Excellency. We understand that Mr. Richards' sole connection with this case arose out of his experience with the Morelli gang of Providence, mentioned in affidavits secured by the Sacco-Vanzetti defense in connection with the confession of one Madeiros. We understand that Mr. Richards was United States Marshal in Rhode Island during the War, and arrested the Morelli gang.

We are consequently amazed at Mr. Richards' version of his interview with His Excellency. From the signed statement of Mr. O'Connor we quote: "I met Mr. Richards as he stepped into the elevator just after he left the executive offices. Mr. Richards appeared dazed, and said he was dumbfounded at the attitude shown by Governor Fuller. He asserted that Governor Fuller made the statement: 'The Madeiros matter is dismissed'; that Governor Fuller questioned him regarding his knowledge of the South Braintree hold-up; whether he was ever in South Braintree; and what information or opinion he had about the Sacco-Vanzetti case. Mr. Richards further quoted Governor Fuller as uttering the following words: 'I am convinced it was a fair trial.'"

We think it rather strange that His Excellency should make the flat statement that the Madeiros matter is dismissed, and that he is convinced that the Sacco-Vanzetti trial was a fair trial, weeks before his own inquiry is concluded; before counsel have argued before him; and before the advisory committee has concluded its investigation and conferred with him.

We quote again from Mr. O'Connor's report of his interview with Mr. Richards:

"Mr. Richards said, 'The governor asked me why I waited six years to come around and tell my story about the case. Apparently, Governor Fuller does not realize that my only connection with this case was my arrest of the Morelli gang in Providence. I don't know why I should be subjected to the insinuation that I waited six years before telling what I knew of the Sacco-Vanzetti case. The Governor also asked me if I was connected with the Sacco-Vanzetti defense. His entire attitude was one of suspicion and hostility as well as ignorance of my connection with the case.'"

ROBERT C. BENCHLEY. Mr. Richards' revelations as to the attitude of His Excellency appear to be corroborated by the account given by Mr. Robert C. Benchley, who, we understand, appeared before His Excellency within a day or two of the appearance of Mr. Richards. Mr. Benchley's sole connection with the case was as the signer of an affidavit as to what one Coes told him regarding Judge Thayer's alleged injudicious remarks at the time of the trial. Mr. Benchley has said that he was challenged by His Excellency to show him a single place in the entire record indicating that it was not a fair trial.

If these reports, made by responsible men, are true, we feel forced to conclude that it appears to us after investigation that His Excellency is handling this case in an arbitrary, opinionated, unjudicial manner, in ignorance of many important and authoritative sources of information; that no real investigation is being conducted; that Sacco and Vanzetti are being denied the full and fair hearing which has obtained in Massachusetts in the past for every man under sentence of death, if he chose to ask for such hearing; and finally, if His Excellency's decision in the end is the proper one, it will be merely a fortunate accident.

We would point out that if Sacco and Vanzetti are executed as the result of a decision reached by the methods and in the spirit so far revealed by His Excellency, then His Excellency need not expect that his determination of the issue will appeal to the intelligence or satisfy the conscience of mankind.

My Church School Cousin

THE same week with my arrival at my uncle's house in the South, my cousin Cornelia has come to stay. Just what kin she is has always been a little vague to me, but she seems a cousin, sister, aunt, anything kin. Her mother, at any rate, was a sister of my uncle's mother. Where everyone else in the family had married fairly enough into the world's estates, she had fallen in love with a young preacher from the North, who in his turn had died from pneumonia caught in a storm when he was following his circuit, and left her to follow him in less than a year. She had given her child to her sister to love and care for. Cousin Cornelia had grown up, then, with my uncle, and had the same black mammy.

My uncle would have given Cousin Cornelia a home, but by the time he was of age, she had been teaching school five years; she had begun at sixteen. Since her father had been a preacher in that denomination, it was a Methodist college in which she began her career. In the academy she had rather distinguished herself; not that she had won the crowning honor of Valedictorian; she would have had to have Latin for that, and Latin had been an extra, and she lacked the money to pay for it. But she

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was Salutatorian, and had delivered the annual Salutatory Address on the theme, "In the Evening It Shall Be Light," followed next day by the reading of her composition, "Far Distant Fields Appear Green," at which time she wore a white dress of organdie with a long train, a sash of pink moiré and a wreath of artificial elderberry flowers in her hair, and, like all the graduating young ladies, had great bunches of magnolia blossoms sent up to her, after tremendous applause.

With the education she had, there was nothing for Cousin Cornelia to do but become a mistress of literature or history, or both; since she knew, at least, how to read, and could, in either of these subjects, prepare her lessons in advance and so keep abreast of her pupils. She began with eight hours a day teaching, from eight till four every day, after which, when she was on duty, which was every five or six weeks, she took the young ladies walking, and, between walking times, to the dressmaker or dentist, if anyone wanted to go. The walking was half an hour; after it she kept the study period for an hour, then supper, then two more hours' study period, these added to the hour before breakfast. After the study period at night, she saw that lights were out and every student in her room. On Sundays, she was on guard all afternoon to see that the young ladies did not carry on with the boys. This was when she was on duty; the rest of the time, the other four or five weeks, she had only the eight hours a day teaching, with papers outside, and, on Sundays, church twice a day, and a Sunday school class in the college chapel. For this she received her board and laundry and thirty dollars a month, from which were to be deducted contributions to loyal college causes and her religious dues.

Since that time when Cousin Cornelia began as mistress of literature and history at her college in North Mississippi, nearly fifty years have passed. And all that time she has been in church schools, where the women were driven and exhorted, overworked and underpaid, bullied, worn out and made to feel at last that they were kept on charity, when in fact they were doing, under the blessings of religion, more than any factory would dare to ask of its employees. But she has kept up, in spite of her ninety-five pounds and her little spells of fever and rheumatism now and then, and has refused offers to live with this cousin or that, preferring her independence and her own money, which by now has risen to sixty a month, with board but without laundry.

She has still much to give a college, and a president with any brains would have known that nothing could be worth more to his young ladies than the gentle breeding and delicacy that such a woman could bring. But the demand is for up-to-date teachers, young women no longer the daughters of gentlemen necessarily, but from all sorts of homes, high and low, so long as they have taken degrees at the State University or studied at summer schools in the North. Cousin Cornelia is too old, and last year the Reverend President of her college dismissed her, after ten years' service. It is not his fault; he is a vulgar, dull man, without breeding or culture of any sort, only his sonorous attentions to the Lord; and most of his patrons are no better. Cousin Cornelia made a finish at his college with two or three hundred saved; she had used up a great deal of her salary from year to year in scholarships to educate young cousins whose parents could not afford to pay the full tuition, little as it might be.

She has come, then, to live at my uncle's house, and is very welcome; he has often said, "Cornelia, why don't you quit the fools and come on live with us?"

"Well, they seem to me to make a mistake," she says, "not keeping me. There are so many things I could do. What if I am old?"

She offered, she says, to take half salary and to sit in chapel during study hour and take the girls shopping daily, but the president could not see the advantage.

"I'm sorry, Sister," he said, using the holy phrase, "we all hate to lose you and we admire your Christian womanhood"—a brand of spouting that comes very easy to him doubtless.

This past year, Cousin Cornelia has had a place in a new Oklahoma church college, where there were thirty teachers to what turned out to be about thirty girls, a chef from a town restaurant and a general air of progress. But this institution proved to be a sort of real estate scheme, backed by promoters of a city addition; the president, a simple creature who walked up and down the dining-room in his shirt-sleeves carrying the baby, while the young ladies were at table; and the payment of the salaries so halting that nothing came in after the first month. That was the end of Cousin Cornelia's savings.

She is very proud and has spoken very little of her history in the schools. Only once she has broken down, and cried a little.

"Well, Cousin, they wouldn't have me. Not at any place."

"What do you care?" I say. "A lot of trash and riff-raff and ignoramuses."

"Well, of course, none of these schools was endowed, they really have to do the best they can. It's not always their fault."

"I don't see much difference," I insist, "the churches countenance them, the preachers back them, the conference endorses them."

"I know you say that, honey."

I pile it on.

"Fools, orators, ignoramuses! And even at that they don't make enough to feed the chickens. It's all too low!"

She sighs. "As Mother used to say, the pot's boiled over and the scum has come to the top."

I put my arm about her shoulders.

"You can teach us all, with those sweet gray eyes."

"It's mighty sweet of you, honey, but I'm an old woman, and no use."

I protest. "The devil you say!"

"I suppose they did the best they could, they meant to be kind. They just didn't know any better," she says, more like herself, "and there's no use crying over spilt milk," and adds, smiling as she holds out the back of her hand for me to see, "thin as it is."

STARK YOUNG.

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Liberty in a Democracy

The Story of Civil Liberties in the United States, by Leon Whipple. New York: Vanguard Press. 366 pages. $.50.

THIS book is a genuine history of the American people—the story of the relation of the individual, the ultimate unit, to the mass, whether expressing itself through representative government and orderly process of law, or in social boycott and mob violence. It is a history of disillusionment "born," as the writer says, "out of war and ignorance," in the years of conscription, espionage, criminal syndicalism acts and deportation delirium, when men were wont to invoke the traditions of the past against the present. Mr. Whipple finds those traditions lacking. As a people, we have never enjoyed the liberty of which we boast. The repression of the World War finds its prototype in every preceding period of popular excitement. Following his volume on the origins and meanings of the constitutional guarantees, "Those Ancient Liberties" (Wilson and Company), Mr. Whipple has undertaken to compile a case record of the years between the adoption of the Constitution and entrance into the World War. As he says, the cases themselves dictate the thesis "that whoever has power, economic or political, enjoys liberty."

Mr. Whipple opens his account with a chapter on the revolutionary and post-revolutionary periods, which introduces us at once to the parallels which run through our history. The revolutionary majority treated the Tory minority precisely as the pro-Ally majority treated the pro-German or pacifist minority in the World War. There was general scrutiny of "loyalty," freedom of speech and of the press was suppressed by law and mob; sedition acts were passed by the colonies, making it a crime to defame Congress or an act of the colonial legislature. Tories were deported. Quakers and other conscientious objectors were insulted, tortured and imprisoned. As in the later War, in which so many prattled of liberty and free nations, it appeared that "the Americans were not interested in abstract liberty, but in the very practical liberty of winning a war."

There were those who cherished the obligation to keep faith with the ideology of the Declaration of Independence, and to their efforts we owe the first ten amendments to the Constitution, known as the Bill of Rights. At once arose the question of their interpretation, to which Mr. Whipple sees three forms of answer: The conservatives wanted them interpreted *legally,* following English precedent; the people wanted them interpreted *practically,* as instruments of self-government; the philosophic libertarians wanted them interpreted "as an ideal of spiritual and intellectual freedom." The first group were in immediate control of the government and proceeded to limit the liberties written in the Bill of Rights by the precedents of English common law. For instance, English laws making labor compulsory were invoked against striking workers. Sedition in English law was a crime because of the divine right of the king and his government: it was translated in America to cover opposition to an elected government. The Alien and Sedition Acts, under John Adams, motivated by a worked-up scare of war with France, were a striking anticipation of later events.

Mr. Whipple finds the first period of interpretation of civil liberty, which we may call the Jeffersonian, occupied with breaking the tradition of English common law, and defining the relation between federal and state governments, in respect to the liberties of citizens. The second period, from 1830 to 1860, initiated by the election of Andrew Jackson, he finds characterized by democratic control expressed through law and mob, a prototype of the Klan-Prohibition era after the World War. The history of civil liberty in this period is a history of attacks by the majority upon Abolitionists, Mormons, Masons, Roman Catholics and foreigners, all unpopular groups to which the state, organized for law and order, failed to afford any real protection. The tyranny of the majority expressed itself over and over again in mob violence, and the country belonged to the mob. Among the tragic stories of lynching in this period stands out the case of Elijah Lovejoy, murdered by the people of Alton, Illinois, for exercising freedom of the press in the discussion of slavery. The refusal of the Boston Aldermen to allow the use of Faneuil Hall for a protest meeting, on the ground that "it would not express the public opinion of the city, and would create confusion in the hall," has a familiar ring. At this time, it may be added, the people's post office began to declare matter unmailable, in the interest of saving the susceptibilities of the South.

The main results of the Civil War in regard to Civil Liberty, Mr. Whipple sums up as follows: "First, it consummated the claim of one phase of the 'tyranny of the majority,' namely, that a minority is not free to withdraw and set up a new state. Second, it proved again that war suspends constitutional guarantees. Third, it left the United States a legacy of violence and of weakened constitutional ideals." In the Civil War, the encroachments of government upon the liberties of the people were numerous and various. The facts that it was a Civil War in which the very existence of the state, as understood by the majority, was threatened; that the boundary between the enemies was dubious and shifting; that it was a war in which morale was of the highest importance, must be taken into account by those who would find precedent in the policy of Lincoln for that of Wilson. Moreover, the excesses of the government were regularly the work of the military arm, perpetrated under the guise of martial law. In general, the courts stood for civil rights, and even warred against the usurping military with the weapon of summons for contempt. The country was spared the particular form of "weakened constitutional ideals" which comes from judicial officers, judges and states' attorneys, combining to profiteer in patriotism at the expense of helpless victims of private malice and public bigotry. The record shows nothing in judicial practice like the conduct of Judge Clayton in the Abrams case or Judge Landis in the I. W. W. case. The number of victims of martial law was very large; 13,535 citizens were confined in military prisons between February, 1862, and the close of the war. It was extended by the invention of "implied treason." It is not surprising to find that General Burnside atoned for his incompetence in the field by a zeal as commander in the loyal states which found expression in a doctrine which has had recent offspring. "The habit of declaring sympathy for the enemy will not be allowed in this department. Persons committing such offenses will be at once arrested," etc. When the Democratic leader, C. L. Vallandigham, ventured to characterize the war as unnecessary, and General Burnside's order as usurpation, Burnside arrested him. The embarrassment of the executive is shown by Lincoln's despatch to his unlucky general: "All the Cabinet regretted the arrest, doubting its necessity . . . but being done, all were for seeing you through

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with it." "Seeing through" consisted in saving Burnside's face and Vallandigham's life. In general it must be remembered that the clemency of the executive was frequent and prompt. There was no vindictive prolongation of punishment after hostilities had ceased.

Two of Mr. Whipple's chapters which are of particular contemporary significance are those on Race Problems and Civil Liberty, and Civil Liberty and Labor. In regard to the first, he finds ample corroboration of his thesis—"he who has power has liberty." Aliens backed by power at home have enjoyed freedom, but our treatment of the Indians, Negroes and Chinese forms a long record of dishonor. Particularly the Chinese, whose status with us was determined by treaties, have suffered outrages at the hands of mobs which make recent anti-foreign outbreaks in China look pale. And the confession of inability on the part of the federal executive to enforce the treaties it solemnly made surpasses the impotence of Peking.

The relation of Labor to Civil Liberty is still further illustrative of Mr. Whipple's thesis. "The power which exercises the greatest control over liberty is economic," and labor is peculiarly its victim. It would be impossible even to summarize Mr. Whipple's amply documented account of the struggle of labor with its employers, primarily for the right to organize. On the part of the workers, the necessity of organization leads to the denial of the civil right to work to non-union men; and on the part of employers, the desire to control their own business leads to the employment of small armies of private police and thugs to protect them in this right. The situation is that of a bloody feud in a medieval state between two powerful vassals which the suzerain helplessly contemplates. Not only is government frequently unable to protect the weaker party, but it tends constantly more and more to lend its power to be used by the employers. The private armies are enrolled as deputy sheriffs; labor leaders are kidnapped by the police and transported from one state to another; injunctions are granted by the courts to make it impossible to carry on strikes. Homestead, Pullman, Lawrence, Ludlow, Bisbee are names of battles in the war of labor and capital. The most signal case of interference of government on the side of capital was in the railway strike in 1893, when the federal courts enjoined the leaders from doing nearly everything which pertains to a strike, and President Cleveland sent U. S. troops to overawe the rank and file.

Governor John P. Altgeld protested against this misuse of the federal authority; and Governor Altgeld stands out almost alone in this history as the representative of government who invariably took the side of the poor and the weak whom it is the function of government to protect. Coming into office as Governor of Illinois after the Chicago anarchists had been convicted, four of them hanged and three imprisoned, he made a thorough investigation of the case and, instead of quietly pardoning the three, he made a full statement declaring the innocence of the men executed, scoring the police for their fabrication of evidence and trial Judge Gary for the malicious ferocity with which he swayed the jury; and, in short, condemning the state of Illinois for judicial murder. No braver thing was ever done by an American ruler, and the deed stands out in white splendor against what is, on the whole, a record of disillusionment. It is hardly necessary to add that it cost Governor Altgeld his political life.

Mr. Whipple's book is the most pretentious effort made by the Vanguard Press in its series of fifty-cent volumes. It is indeed unfortunate that so serious and scholarly a work should suffer somewhat in form from the low cost of production. It is to be hoped that this defect will find compensation in wide distribution. It should be a textbook in every college where American history is taught as an introduction to politics.

ROBERT MORSS LOVETT.

A Scientist Off Duty

Mole Philosophy and Other Essays, by Cassius J. Keyser. New York: E. P. Dutton and Company. 234 pages. $3.

EVERY now and then something occurs to suggest to us that a scientist is really a poet gone wrong. Sometimes we feel this even when the scientist is talking about science. No one has insisted more strongly than Professor Keyser on the impersonal rigor of scientific thinking. Yet as Professor Warner Fite very wittily suggested in reviewing Keyser's "Human Worth of Rigorous Thinking" some years ago, the rigors of science are rigors of arrangement; they appear in external forms like the precision of a work of art; so that the scientist is most human—most imaginative—when he is most rigorous!

In these little essays, however, the mathematician has revealed himself frankly as a poet, a passionate humanitarian, even a philosopher. The opening bit is an ardent plea for unattainable if not inconceivable ideals as against the grubbing realism of the mole. We find also the vehement affirmation of liberty in the face of prohibition, personal tributes to various friends and former teachers, and the interesting suggestion that the author missed the presidency of the University of Missouri by giving an equivocal answer to the question, "Do you believe in the existence of God?"

Readers will respond differently to the various items of Keyserian philosophy. For example, when the author propounds his theory of the pseudo-question—"Not everything having the form of a question is a question. It is easy to write something that looks like a question . . . but is not one"—I agree enthusiastically. For some years Professor Dewey has used this weapon with irresistible effect. The proposition, too, that the test of a really educated man is whether he reads what is beyond him pleases me, assuming (as Professor Keyser forgets to do) that he actually extends his boundaries in the process. But I am not sure that I see the sense either of calling Pasteur "the most perfect man who has ever entered the Kingdom of Science," or of saying that if he had had "the precious fortune to be the son of an ardent prohibitionist . . . he might have been able to render as great service to humanity as William Jennings Bryan or even William H. Anderson"; while the proposal to classify celebrities into "great men" and "*great* men"—coming as it does immediately after the mathematician's dithyrambic praise of definition—leaves me cold. What is meant by calling Kant a great man and Pasteur a *great* man (as Keyser does) I quite fail to see.

Both in a footnote to the passage and in his preface, the author requests his readers to inform him if his theory of mortality has ever before been formulated. The theory is that all human values are characteristically mortal and are conceivable only on the assumption of mortal finitude. With some allowance for variation of expression, I believe this has been said before, perhaps more than once. I suggest the ninth chapter of Ecclesiastes.

C. E. AYRES.

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To Arms, Connecticut!

States' Rights and National Prohibition, by Archibald E. Stevenson. New York: Clark Boardman Company, Ltd. 157 pages. $2.50.

THIS may be called a "wit's end" book; for while bootleggers and their thirsty patrons lightly defy the Eighteenth Amendment, defenders of faith in the Constitution, ranged in bitterly hostile camps, are at wit's end to maintain their faith. "Enforce the great Amendment to its last ultimate letter," shout the prohibitionists, "for it is part of our highest law." "Enforce the Tenth Amendment and the Eighteenth is void," retort the equally faithful oppositionists.

The theme of the book is not new, though its proposals are. I trust that I can state it more accurately than the author states Mr. Calhoun's famous thesis. It runs somewhat as follows: The Constitution was adopted by a unanimous vote of the states. No state was coerced to join. It was ratified by the states in effect with reservations. These were embodied in the first ten amendments. The Tenth expressly "reserved to the states or to the people" all powers not delegated to the United States nor denied to the states. When that was written, it was meant to stand forever and ever, world without end. Provision was indeed made for amending the Constitution by action of Congress and three-fourths of the states, but this was not to apply to the reserved powers thus embalmed and entombed for eternity. Now, the Eighteenth Amendment was not adopted unanimously. Mr. Stevenson nowhere says that it would be valid if it had been so adopted; but, be that as it may, by some happy mischance, Connecticut and Rhode Island, comprising not "one half of one" but nearly 2 percent of the population, escaped the hectic hysteria of the wartime period of ratification. The amendment, therefore, is either not what it seems or is void altogether.

Of course, there are in this some hurdles to be leaped. There are, for example, the Civil War amendments which undeniably withdrew powers from the states, however different in kind from the power over liquor. ("Very limited restrictions" upon the states, Mr. Stevenson thinks, were the abolition of slavery, the grant of the ballot to the Negro, and the due process and equal protection guaranties!) Well, says he, these amendments were probably not valid, but long acquiescence has legalized them. He does not refer to the Nineteenth Amendment, though the folks of 1789 would doubtless have regarded a nation-foisted woman's suffrage as an invasion of states' rights no less horrendous than prohibition. Letting women out of the house would have been as outlandish as not letting liquor in.

Again there is the hurdle of the Supreme Court's judgment of validity upon the Eighteenth Amendment. Well, the Supreme Court had no jurisdiction to decide that issue; but Mr. Stevenson is somewhat hazy and hesitant as to what can be done about that. It was just all wrong. "Unfortunately the states . . . do not seem to have been provided with any defensive weapon to protect their reserved powers."

How, then, shall we emerge from the dilemma? Two specific proposals are made. The amendment should be construed as applicable only to interstate and foreign commerce, power over which was vested in Congress from the beginning. Connecticut is in a peculiarly strong position to urge this upon the Supreme Court. How the words "manufacture" and "sale" are to be read out of the amendment, leaving only "transportation," Mr. Stevenson does not suggest. Nor does it occur to him that the amendment so construed is relatively superfluous, since Congress, prior to its adoption, had power to exclude liquor from interstate and foreign commerce.

His other suggestion is that any state, preferably strategic Connecticut, should memorialize Congress to propose an amendment to the Tenth Amendment, making it clear that the reserved powers of the states *may* be withdrawn by constitutional amendment. This is a most extraordinary proposal. The core of the author's argument is that the Ninth and Tenth Amendments cannot be altered by the ordinary process. But apparently this amendment, if ratified by a paltry three-fourths of the states, would be validly binding on all, even though the more limited prohibition amendment, similarly ratified, is not so binding. Moreover, by some unexplained retroactive alchemy, this amendment, if adopted, would apparently breathe the breath of legality into the moribund Eighteenth. Undaunted by such contradictions, and reckless of consequences, he sketches for us the last act of his unintended melodrama. He tells us that, if Congress should refuse to submit, or the states to ratify, this amendment, "the people of Connecticut must then resist to the full the usurpation of their reserved powers by the federal government under color of the Eighteenth Amendment." This is plainly our old friend Nullification, however vehemently that is denied. Perish the thought, but it is not far from advocacy of an overthrow of the federal government by force—the force of Connecticut arms. Temperate as is Mr. Stevenson's approach to this hot subject, his argument is as full of flaws as his constructive proposals are palpably fantastic.

HOWARD LEE MCBAIN.

Critical Responsibility

Messages, by Ramon Fernandez; translated from the French by Montgomery Belgion. New York: Harcourt, Brace and Company. 304 pages. $2.50.

THE lack of order and unity in the modern spirit is the burden of contemporary criticism. Now M. Ramon Fernandez, the French critic, comes forward with a novel point of view, supported by analysis of recent and contemporary writers; it is his purpose to distill the "message" each of these may have for us in our sorest need. The seriousness of his motive, at a time when too many talented writers, some of them even more talented than M. Fernandez, are turned to excitement and mere novelty, demands our strictest attention. A few writers, like Valéry, have made capital out of disorder and achieved reputations like Madame de Staël's: after a century, reputation becomes notoriety. I have seen Valéry and Fernandez put side by side in protest against the common enemy—romanticism; yet M. Valéry, in extending the reach of sensibility, has not, I believe, strengthened our discipline; and it is hard to believe that we shall be long deceived by his frequent use of the words intellect and intelligence. His essays, on the whole, expose another variety of the "intermittences of the heart" of Marcel Proust, but, while confession is good for the soul, it is no longer good for anything else: it was once the privilege of every citizen, and now that it is deprived of correction and interpretation by constituted authority, it claims an authority of its own.

The growth of unlicensed confession from Rousseau to Proust is one of the two leading points of M. Fernandez'

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attack. It has been known in the last half-century as estheticism. The other leading point is its historical running-mate, the uncritical pretensions of science to metaphysics; M. Fernandez calls it the "fallacy of cause and fact." The two fallacies together are the guises in which the familiar dualism of metaphysics emerges in the modern mind. It is M. Fernandez' great merit to have laid bare, with precision and insight, the results of this dislocation of our spirit.

The problem is known to readers of recent English philosophy as the "bifurcation of nature." It has a long and diverting history. As it appears at the moment on the imaginative plane, it has two aspects, each standing for a horn of the metaphysical dilemma: the idea of pure art, supposedly distinct from all other ideas and independent of them; and the genetic or psychological idea of art. The dualism is complete and the battle rages. M. Fernandez offers a truce between the factions.

The novelty of his reconciliation is radical for it reverses the usual approach to the esthetic problem. Hitherto, esthetics has been a "department" of philosophy, and you couldn't reach the work of art until you had stood firmly on much other ground; but in the Fernandez system, philosophy, instead of leading up to esthetics, begins with it as the starting-point; it becomes the sole metaphysical subject-matter. I quote M. Fernandez:

> Allowing that the visions of art are by definition imaginative, we can say that esthetics must be an imaginative ontology, that is to say that the fundamental problem of esthetics is no other than the metaphysical problem of being, but translated to the plane of the imagination.

In other words, the material of the Fernandez metaphysics is the known body of literature and art—just as the historical material of philosophy is the sunsets and trees of the known body of nature. At this point, M. Fernandez makes a most ingenious plea for his doctrine from the philosophical side: Would not metaphysics, even outside the problem of poetry, be greatly advantaged by recourse to art, a territory perennially fresh, a realm not staled and dried up by centuries of school-making and polemic?

M. Fernandez' method is an interesting set of conventions (all ideas are conventions) which promise the modern spirit an exercise of its primitive oneness, and by this faculty I mean the state of mind back of the speculation of the twelfth and thirteenth centuries; it is a refutation of the distress and gloom which inspire the fashionable literature of the age. For the fact of the work of art, viewed directly, is neither the psychological fact of the scientist nor the hypostatic fact of the esthete; it is a fact of experience, like a cow or a bird; and though the methods of modern scientism may be fruitfully applied to it, they cannot be used as a way of leading up to the fact of art; they can only serve as counters to lead us *away,* into analogies and already charted fields. They must inevitably, whatever be the intention—and this M. Fernandez most acutely understands—lead away from the work of art itself. The critic who proudly asserts that he is investigating poetry from the psychological viewpoint is doing nothing of the sort; he is running away from poetry as fast as the well oiled wheels of his conventions will carry him. Scientific approaches, because each has its own partial conventions momently arrogating to themselves the authority of total explanation, must invariably fail to see all the experience latent in the work. The psychologist sees only, in Stendhal, the analyst; the esthete sees nothing; neither sees the novel by Stendhal. It is this that M. Fernandez tries to see.

The responsibility of the philosophical critic is, as M. Fernandez humbly acknowledges, supreme: only the most disinterested minds may apply for assumption of the role. He must, as the *philosopher,* be *morally* complete; when he looks at the poem, he must be able to convince us, by his sensitiveness, scholarship, and discipline, that he has seen it all. He takes, as M. Fernandez says, "the leap in the dark." It is no longer his privilege, then, to put a nickel in the slot, and, feathered out in the art of the Brothers Brooks, ride with an easy conscience to the Hotel Algonquin of success. He must repudiate the fraternity grip and secret signs, and write as a private person. It is a responsibility that not many writers will be eager to assume. As the moral critic in the most distinguished sense, M. Fernandez does not find the moral equivalent of his doctrine widely spread in American society; its moral equivalent is, in the immediate phase, simply the possibility of being understood. A later volume by M. Fernandez will be welcomed by those concerned with the intellectual crisis of the time, and these people will also welcome a closer consistency of theory and detail in the exposition of his method.

ALLEN TATE.

Characterization under the Microscope

The Later Realism: A Study of Characterization in the British Novel, by Walter L. Myers. Chicago: The University of Chicago Press. 173 pages. $2.

SCIENCE, having conquered other realms, is creeping into the domain of literature. Equipped with the scientist's microscope and methods, Walter L. Myers has approached his inquiry into characterization in the British novel. His aim is to isolate suitable specimens, to classify, and then define. The royal prerogative of the critic to judge and prophesy has no part in his scientific plan. He takes as a starting point the novels of George Eliot, which he regards as embodying the best developments in fiction up to 1850, and proceeds to analyze the subsequent divergences from her method which have culminated in the strange and brilliant technique of Dorothy Richardson, James Joyce, D. H. Lawrence, and May Sinclair.

According to Mr. Myers, recent British realism differs from the late Victorian novel in possessing "a wider conception of normality and a greater intensity and amplitude of actuality." It is in the discussion of normality that he offers his most original contribution to the study. The late Victorians, he points out, created characters of considerable complexity, but characters which were circumscribed by a set formula. It was imperative that they should be normal people and that their motives should be clearly understood. Even George Eliot and Meredith, to Mr. Myers' thinking, held no traffic with the dualism, the dark irrationality, the inexplicable shifts of mood proper to people in actual life. Still less was there any infusion in their works of the poetic, metaphysical element which is especially present in the novels of Mr. Lawrence and Mr. Joyce. The elaborate studies in consciousness which have become for us a commonplace would have impressed the late Victorians, according to Mr. Myers, as definitely abnormal.

The explanation which the author offers for the development of more intimate probing into the inconsistencies and secret springs of characters stresses particularly the influence of Freudian psychology. One wishes that Mr. Myers had not dwelt quite so long nor so lovingly on this topic.

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It has become almost an axiom in dinner-table talk that the increased emphasis which novelists are placing on sex is due to the revelations of Mr. Freud, whether directly or indirectly. Surely it was not necessary for Mr. Myers to relate in detail the plot of several novels by Miss Sinclair and Mr. Lawrence in order to convince his readers that the modern school of realists has appropriated Freudian themes. It would have been more fruitful, I believe, if he had developed his theory of the effect on the novel caused by the scientists' shift in interest from conformity to type to the variations of the individual.

The simplest, and at the same time the least convincing portion of the book, is Mr. Myers' analysis of the growth in actuality, or "sharper specification in details of portrayal." For all his careful impartiality, it is fairly obvious that he believes an advance has been made by the latest realists in the details of character portrayal such as dialogue, pictorial description, and analysis of mind content. This, I think, requires proof, and it seems to me that the examples which Mr. Myers has chosen to illustrate the old and the new are, except in the case of dialogue, hardly fortunate. In particular, he quotes passages from Miss Richardson, the veracity and excellence of which one may be permitted to question. Even assuming that the modern realists are superior in their handling of these details, one feels impelled to ask whether their character creations are, in total effect, nearly so vigorous and alive as those of the Victorians.

It is this question which Mr. Myers neglects to answer, and it is his failure to answer which lessens the value of the book, however closely it adheres to the announced plan. It is difficult to cavil at the author. He insists so disarmingly on the limited boundaries of the book and the fact that it is a study in definition, not in criticism. But even on his own terms, "The Later Realism" is not wholly non-critical. The mere choice of examples—the complete omission of such figures as Conrad and George Moore—the overemphasis on Mr. Lawrence, Miss Richardson, *et al.*, and the consequent sketchiness, in tracing the intermediate steps between them and the late Victorians, indicate a bias. Since Mr. Myers was attacking the subject of characterization in so scholarly and painstaking a fashion, it seems a pity that he did not enlarge the scope of his work, that he did not actually demonstrate how mere Victorian complexity of character developed into "incongruity" and "extra-realism," and that he did not attempt to relate these new developments to the large trend of English fiction. His book smacks unduly of the Ph. D. thesis and the laboratory. It will undoubtedly be useful, as he himself modestly suggests, as a pioneering attempt at definition; but one wishes, perhaps unreasonably, for the greater richness and suggestiveness which the subtitle, "A Study of Characterization in the British Novel," implies.

EDITH H. WALTON.

"Or What's a Heaven For?"

The Women at Point Sur, by Robinson Jeffers. New York: Boni and Liveright. 175 pages. $2.50.

THE work of Robinson Jeffers is striped with divers colors: the tawny and saffron and blue burning of the stars; the savage rust of ancient blood-stains on one crawling planet; the bitter-green of scorn; the protean fires nesting in that most dazzling crystal—imagination. He is possessed by the apparently interminable tragedy enacted by the human race. He struggles to wrench his eyes from that spectacle. He leaps into a surge of perverse passions as though to cleanse himself from the scurf bred by stale decencies. He shakes those waters from him and is off again, a panting hound of Heaven. His latest book—a lengthy narrative poem—shows him in this guise more clearly than his earlier work.

Its theme is the struggle of a man toward godhood. The man is a broken old minister, who lost his son in the War, and lost his faith thereafter—a half-crazed man groping for the ultimate reality, and dreaming he will find it by committing some monstrous act. The questions old Dr. Barclay wrestles with when he first wanders off from his pulpit are the questions that torment every mind in those hours when the soul plumbs its own ignorance: Is there any spirit of the universe? Is there one life informing the whole? " . . . is anything left after we die but worm's meat?" " . . . how should men live?" The old man comes to believe that God is taking possession of his own withered flesh. But questions continue to boil up in him—there is no peace in this Power. What are God's thoughts but action? How lay hold on God save by becoming Him? How contain Him save by passing beyond good and evil? Barclay roams the Pacific coastal hills, gathering his disciples, preaching the God who is to overthrow the limited moralities of thousands of years. He infects the unhappy ignorant wretches about him with strange lusts and queer dreams. He utters terrible prophecies. He commits incest with his virginal young daughter. He ends his uncertain pilgrimage at the mouth of a dead coal-mine, muttering through baked lips at the last:

> "I want creation. The wind over the desert
> Has turned and I will build again all that's gone down.
> I am inexhaustible."

Certainly Jeffers never handled a richer subject. Even thus barely outlined, it presents, to those who know the poet's stride, an intimation of magnificent achievement. And yet, for all the metaphysical meat of its content, for all the lightning-like visions which streak certain passages with a glory, the poem leaves one with the feeling of having witnessed a Pyrrhic victory. Its profundities are too often obscure. Its drama is moiled with an irrelevant sordidness. There are too many persons, too many conflicts, that seem to have no organic relation to the whole. It is not sufficiently stripped and bare.

The author's power is unquestionable. Perhaps because his reach is enormous, it has exceeded, for once, his grasp. He has the large allusiveness, the shining plunges, the strenuous beauty, that are possible only to a searching, supple, tough-fibered mentality. What is lacking here is a sterner self-discipline, a more reticent expressiveness. Then might pity flower out of horror. Then might a hard grain of wisdom be left in the clenched fist of desperation.

BABETTE DEUTSCH.

The Sorcerer's Apprentice

The Sorcerer's Apprentice, by Hanns Heinz Ewers. Translated by Ludwig Lewisohn. New York: The John Day Company. $5.

THE Apprentice at Sorcery" (as the original title more appropriately reads) is a German student whose morbid investigation of racial origins and psychological developments yield amazing and catastrophic fruit.

A Tyrolean comes to America and makes a neat fortune as a shoe merchant. But American revivalism has made

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him its victim, and he carries the gospel of salvation to his native village. By simple hypnotic means, Frank Braun, the student, gains control of the native populace and even of the fanatical evangelist, who believes he is Elijah reincarnated.

But the village is only Frank Braun's laboratory, and the villagers his materials. His investigation discloses the fact that the ecstasy of religious mysticism is not at all the lofty emotional transport of a transcendentalized soul. On the contrary, it is perhaps the most complete reversion to animalism in the whole scale of civilization. This is revealed when the revivalism becomes orgiastic beyond control, culminating in what is perhaps the most bestial murder in all literature, and in masochistic immolations that are only preludes to a crucifixion too inhuman for even Frank Braun to endure.

Ewers' horror is more utter than Poe's, both in atmosphere and in incident. Ewers achieves this effect by maintaining a realistic verisimilitude throughout, and by explaining his horrors in terms of scientific scholarship. He realizes that science is much more terrifying than all the supernatural extravagances of the Gothic romance; and that his explanations, far from lessening the horror, actually make it more blood-curdling.

Ludwig Lewisohn's translation leaves much to be desired. The racy tempo of Ewers' style is wholly lost in Lewisohn's un-English involutions of sentence structure; and liberties seem to have been taken with some of the author's meanings. Fortunately the compulsion of Ewers' thesis and material transcends these shortcomings.

WALTER F. KOHN.

People Round the Corner

People Round the Corner, by Thyra Samter Winslow. New York: Alfred A. Knopf. $2.50.

IT IS the fashion, in America, to bewail the influence of the popular magazine on our writers of the short story; and in general, the complaint is no doubt well justified. Too many authors water down their broth to suit the far from sturdy palate of the populace. Yet exceptions exist in sufficient numbers to prove that it is possible for a writer to stand out against the blandishments of the editors if he really wants to. Mrs. Winslow contributes to such widely circulated periodicals as the Red Book and the Pictorial Review, as well as to the American Mercury and the Century; and it is impossible to note any signs of concession to the mass-reader, or to tell from internal evidence which of her stories were consumed by 1,500,000 people, and which by 50,000 or 75,000.

"People Round the Corner" deals with the same persons and scenes found in her earlier collection, "Picture Frames," and her novel, "Show Business." These are the drab annals of the lower middle class, particularly in the small towns of the Middle West. Few authors know this scene as well as Mrs. Winslow, and she tells us, with a truthfulness which is unsparing yet never quite cruel, of the pride, ambition, the rather tepid loves and (usually) still more tepid hates which may be discovered by taking off successive roofs along any mean street in America.

There is an inevitability about the happenings in these stories which would probably be the subject of wide remark, if they were translations from the Russian, instead of coming out of the hard bright glitter of the magazines. Hardly ever do events take place because the author needs them to round out a plot. Nearly always, incident arises from character. Probably the story in this collection which will receive most general comment is "Her Own Room," the pathetic history of Grandma who, after twelve years of sleeping on a folding davenport in the dining-room, engineers a marriage for her grand-daughter in order to fall heir to a chamber of her own. She enjoys the luxury only four days, and then the honeymooners return to the home nest, permanently, and Grandma must go back to the davenport. My own favorite, I think, is "On a Pleasant Sunday Afternoon in August," the tale of a sweet little suburban housewife who, when a blackmailer turns up to capitalize his knowledge of her one sin of years ago, quietly and sunnily gives him poison. Other readers, however, doubtless will have other favorites. It is the sort of book over which people are likely to carry on that sort of dispute. But they must unite, I think, in welcoming the tenderness, without sentimentality, and the wisdom with which Mrs. Winslow endows nearly every page.

B. B.

The Spanish Journey, by Julius Meier-Graefe; translated by J. Holroyd Reece; with drawings by J. Sina and nine plates after paintings by El Greco. New York: Harcourt, Brace and Company. 464 pages. $5.

HERR MEIER-GRAEFE is known to American readers chiefly through his masterly biography of Vincent Van Gogh. His "Spanish Journey" was written in the early stages of his critical career: it is a keen, witty, vivacious commentary upon a tour through Spain which began as a pilgrimage to Velasquez and ended by a complete reversal of judgment that threw him, as it were, into the arms of El Greco. The *Reisetagebuch* is a genre that the Germans turn to with much assiduity and good-will; and this is all that a travel diary should be—light, perceptive, intuitive, and with a hint on every page of the more serious purposes and intentions that bind these fugitive impressions and anecdotes together. There is a lack of pretense and ponderousness in Herr Meier-Graefe that is disarming; he is a mature, intelligent companion, sure enough of his own powers to relax and to carry his role off easily. "The Spanish Journey" can be eagerly recommended both to those who care for travel and those who care for art—with the proviso that it *is* a travel book, and one must be ready to enjoy its very dispersion and inconsecutiveness.

L. M.

Contributors

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